

# THE LAW OF REASON IN THE *KUZARI*

By LEO STRAUSS

The wisdom of his gentle tongue  
Would deliver me from the strivings of  
the people.

חכמת לשונו הרכה  
תפלטני מריבי עם.  
Halevi on R. Baruch

Every student of the history of philosophy assumes, tacitly or expressly, rightly or wrongly, that he knows what philosophy is or what a philosopher is. In attempting to transform the necessarily confused notion with which one starts one's investigations, into a clear notion of philosophy, one is confronted sooner or later with what appears to be the most serious implication of the question "what a philosopher is," *viz.* the relation of philosophy to social or political life. This relation is adumbrated by the term "Natural Law," a term which is as indispensable as it is open to grave objections. If we follow the advice of our great medieval teachers and ask first "*the philosopher*" for his view, we learn from him that there are things which are "by nature just." On the basis of Aristotle, the crucial question concerns then, not the existence of a *ius naturale*,<sup>1</sup> but the manner of its existence: "is" it in the sense in which numbers and figures "are," or "is" it in a different sense? The question can be reduced, to begin with, to this more common form: is the *ius naturale* a dictate of right reason, a set of essentially rational rules?

The issue was stated with a high degree of clarity by Marsilius of Padua. According to him, Aristotle understands by *ius naturale* a set of conventional rules, but of such conventional rules as are accepted in all countries, "so to speak by all men"; these rules, being dependent on human institution, can only metaphorically be called *iura naturalia*. "Yet there are people,"

<sup>1</sup> Cf. Thomas Aquinas' commentary on Aristotle's *Ethics*, V, lect. 12 *in princ.*: "...juristae... idem... nominant jus, quod Aristoteles iustum nominat."

he goes on to say, "who call *ius naturale* the dictate of right reason concerning objects of action." Over against this he remarks that the very rationality of the *ius naturale* thus understood prevents its being universally, or generally, accepted, and hence, we shall add, its being identical with that *φυσικὸν δίκαιον*, or that *κοινὸς νόμος*, which Aristotle had in mind.<sup>2</sup> By rejecting, in the name of Aristotle, the view that the *ius naturale* is a set of essentially rational rules, the Christian Aristotelian Marsilius opposes the Christian Aristotelian Thomas Aquinas in particular who had said that, according to Aristotle, the "justum naturale" is "rationi inditum," and who had defined the "lex naturalis" as "participatio legis aeternae in rationali creatura."<sup>3</sup>

To return to the Jewish Aristotelians, Maimonides did not choose to employ in his discussion of this fundamental question the term "Natural Law."<sup>4</sup> Whatever may have been his

<sup>2</sup> *Defensor pacis*, II, c. 12, sect. 7-8. See also *ibid.*, I, c. 19, sect. 13: "iure quodam quasi naturali." The question of the relation of the *φυσικὸν δίκαιον* as discussed in *Eth. Nic.* 1134b 18 ff. to the *κοινὸς νόμος* as discussed in *Rhetoric* I 13, 2 must here be left open. Cf. n. 5.

<sup>3</sup> Commentary on the *Ethics*, VIII, lect. 13 (and *ibid.*, V, lect. 15). *Summa theologica*, 12, quaest. 91., art. 2. — The promiscuous use of "lex naturalis" and "ius naturale" is unobjectionable in the present context, since it appears to have been customary in the period under consideration; cf. Suarez, *Tr. de legibus*, I, c. 3, §7: ". . . (subdivisionem) legis creatae in naturalem et positivam . . . omnes etiam Theologi agnoscunt, et est frequens apud Sanctos, sive sub nomine legis, sive sub nomine juris positivi, et naturalis." Cf. also Chr. Wolff, *Jus naturale*, P. I., §3, who states "vulgo jus naturae cum lege naturae confundi." Cf. above all, Hobbes, *Leviathan*, ch. 14 *in princ.* among other passages.

<sup>4</sup> Grotius seems to have taken it for granted that there is a genuinely Jewish doctrine of natural law, and since he defines "jus naturale" as "dictatum rectae rationis", he attributes by implication to Maimonides in particular the belief in a natural law as a dictate of right reason. He says: "Juris ita accepti optima partitio est, quae apud Aristotelem exstat, ut sit aliud jus naturale, aliud voluntarium . . . Idem discrimen apud Hebraeos est, qui . . . jus naturale vocant מצות, jus constitutum [= voluntarium] חקים . . ." (*De jure belli*, I, c. 1., §9.2-10.1). The only Jewish source referred to by Grotius is *Guide*, III, 26, where Maimonides certainly does not speak of natural law nor of rational laws. (See I. Husik, "The Law of Nature, Hugo Grotius and the Bible", *Hebrew Union College Annual*, II, 1925, 399 n. 10. — Husik asserts

reason,<sup>5</sup> he preferred to discuss the question in this form: are there rational laws in contradistinction to the revealed laws? His discussion and its result are implied in his statement that those who speak of rational laws, are suffering from the disease of the *mutakallimûn* (the students of the *kalâm*). Since the content of the rational laws in question seems to be identical with that of the Natural Law, the statement referred to seems to be tantamount to a denial of the rational character of the Natural Law.<sup>6</sup> That

in addition that Grotius "made a slip. Maimonides uses *משפטים* for the *שכליות*." But Grotius makes the following remark in a note to the word *משפטים*: "משפטים (משפטים). Sic Maimonides libro III., ductoris dubitantium cap. XXVI." The source of what he says in the text, *viz.* that the *jus naturale* is called by the Hebrews *משפטים*, may well be *Eight Chapters* VI, where Maimonides says that the so-called rational laws were called by the Sages *משפטים*.) The Noahidic commandments cannot be identified with the natural law, at least not according to Maimonides. For — to say nothing of *אבר מן החי* — the prohibition against incest or in chastity which occupies the central place in his enumeration of the Noahidic commandments (*Mishneh Torah*, H. Melakhim, IX 1), is considered by him to belong to the revealed laws as distinguished from the so-called rational laws (*Eight Chapters*, VI. See also Saadya, *K. al-amânât*, III, ed. by Landauer, 118. For an interpretation of this view, cf. Falkera, *Sefer ha-mebakqesh*, ed. Amsterdam 1779, 31a, and Grotius, *op. cit.*, II, c. 5, §12 and 13). This is not contradicted by Maimonides' statement that the *דעה* inclines man toward six of the seven Noahidic commandments (H. Melakhim IX 1), for *דעה* does not necessarily mean "reason" or "intelligence." As regards the Decalogue, Maimonides makes it clear that only the first two propositions are "rational", whereas the eight others belong to the class of generally accepted and of traditional opinions (*Guide*, II 33, 75a Munk). — Cf. below n. 107.

<sup>5</sup> The reason may have been that he held, just as Averroes and Marsilius, that the *ius naturale* can only metaphorically be called "natural." Cf. Averroes on *Eth. Nic.* 1134b 18 f., who interprets *δίκαιον φυσικόν* as "ius naturale legale" (ישר טבעי נימוסי) and *δίκαιον νομικόν* as "(ius) legale tantum, i. e. positivum" (נימוסי ר"ל הנחיי). (*Aristotelis Opera*, Venice 1560, III, 243a; cf. M. Schwab, "Les versions hébraïques d'Aristote", *Gedenkbuch zur Erinnerung an David Kaufmann*, Breslau 1900, 122 f.) The best translation of Averroes' interpretation of *δίκαιον φυσικόν* would be "ius naturale conventionale"; for *נימוסי* means *מפאת ההסכמה* (cf. Moritz Steinschneider, *Die hebräischen Uebersetzungen des Mittelalters*, Berlin 1893, 309 n. 310.) For the understanding of Averroes' interpretation one has to consider *Magna Moralia* 1195a 6-7.

<sup>6</sup> *Eight Chapters*, VI. Cf. *Guide*, III 17 (35a-b Munk) and Munk's note to his translation of this passage in *Guide*, III, 127 n. 1.

statement implies besides that the laws which are called by the *mutakallimûn* "rational," are called by the philosophers, the followers of Aristotle, "generally accepted" (*ἔνδοξα*).<sup>7</sup> Accordingly, we would have to describe Marsilius' interpretation of the *ius naturale* as *the* philosophic view, and Thomas' interpretation as the view of the *kalâm* or, perhaps, as *the* theological view.<sup>7a</sup>

The impression that the philosophers rejected the view that there are rational laws distinguished from the positive laws (and in particular the revealed laws), or that they denied the rational character of the Natural Law, is apparently contradicted by Yehuda Halevi's discussion of this question. Distinguishing between rational laws and revealed laws, and using the terms "rational laws" and "rational *nomoi*" synonymously, he asserts that the philosophers have set up rational *nomoi*:<sup>8</sup> a philosopher whom he introduces as a character of his dramatic prose-work, the *Kuzari*, admits such rational *nomoi* as a matter of course. An analysis of Halevi's remarks on this subject may contribute toward a better understanding of the philosophic teaching concerning Natural Law and the Law of Reason.

## I. THE LITERARY CHARACTER OF THE KUZARI

It is not safe to discuss any topic of the *Kuzari* before one has considered the literary character of the book. The book is devoted to the defence of the Jewish religion against its most important adversaries in general, and the philosophers in particular.<sup>9</sup> Since it is directed against the philosophers, the Muslims

<sup>7</sup> Cf. *Millot ha-higgayon*, c. 8, and Abraham ibn Daûd, *Emunah ramah*, ed. by Weil, 75. Cf. also Ibn Tibbon, *Ruah hên*, c. 6.

<sup>7a</sup> Cf. H. A. Wolfson, 'The Kalam Arguments for Creation etc.', *Saadya Memorial Volume*, New York 1943, note 126.

<sup>8</sup> The term employed by Halevi, אֱלֹהִים אֱלֵקִיָּהּ, means literally "the intellectual *nomoi*." I am not at all certain whether this literal translation is not the most adequate one. To justify the usual translation, one may refer to IV 3 (236, 16 f.) *inter alia*. — Figures in parentheses indicate pages and lines of Hirschfeld's edition.

<sup>9</sup> The title of the original is "Book of argument and proof in defence of the despised religion." See also the beginning of the work.

and so on, it is as impossible to call it a philosophic book, as it is to call it an Islamic book, provided one is not willing to use the term "philosophic" in a sense totally alien to the thought of the author, i. e., to transgress one of the most elementary rules of historical exactness. And since it is not a philosophic book, one cannot read it in the manner in which we are used to read philosophic books.

By "philosophers" Halevi understands chiefly, although by no means exclusively, the Aristotelians of his period. According to Fârâbî, the most outstanding of these philosophers,<sup>10</sup> the discussions contained in the *Kuzari* would belong, not to philosophy (or, more specifically, to metaphysics or theology), but to "the art of kalâm"; for it is that art, and not philosophy, which is designed to defend religion, or rather, since there are a variety of religions, to defend "the religions,"<sup>11</sup> i. e. in each case that religion to which the scholar in question happens to adhere. This view of the relation of philosophy and kalâm is shared by Halevi: whereas the aim of philosophy is knowledge of all beings, the aim of kalâm is to "refute the Epicurean," i. e. to establish by argument those beliefs which the privileged souls hold without argument.<sup>12</sup> It is evident that the explicit aim of the *Kuzari* is identical with the aim of the kalâm. It is true, Halevi defines the kalâm not merely by its aim, but by its method and assumptions as well. For all practical purposes, he identifies "kalâm" with a special type of kalâm, the mu'tazilite kalâm, and he is almost as little satisfied with this typical kalâm as he is with any philosophic school: to say the least, he insists much more strongly than this typical kalâm on the inferiority of any reasoning on behalf of faith to faith itself.<sup>13</sup> But this does not prevent his book from being devoted almost exclusively to such reasoning.

<sup>10</sup> Fârâbî was considered the highest philosophic authority of the period by such authorities as Avicenna (cf. Paul Kraus, "Les *Controverses* de Fakhr Al-Dîn Râzî", *Bulletin de l'Institut d'Égypte*, XIX, 1936-7, 203) and Maimonides (see his letter to Ibn Tibbon). Cf. also S. Pines, "Études sur Abu'l Barakât", *Revue des Études Juives*, CIV, 1938-9, n. 308.

<sup>11</sup> *Iḥsa al-'ulûm*, ch. 5. Fârâbî presents the kalâm as a corollary to political science.

<sup>12</sup> Cf. IV 13 and 19 with V 16 (330, 13 f. and 18-20).

<sup>13</sup> V 16.

Besides, he actually refuses to subscribe to one of the two main sections of the typical kalâm teaching only, to its doctrine of the unity of God; as regards the other main section, the doctrine of the justice of God, which is of a more practical character than the first, he sets it forth, not as the teaching of other people, but as his own teaching.<sup>14</sup> Halevi's teaching and that of the typical kalâm may therefore be said to belong to the same genus, the specific difference between them being that the former is much more anti-theoretical, and much more in favor of simple faith, than is the latter. At any rate, while it is impossible to call Halevi a philosopher, it is by no means misleading to call the author of the *Kuzari* a mutakallim.<sup>15</sup>

Halevi presents his defence of Judaism, not in the form of a coherent exposition given in his own name, but in the form of a conversation, or rather a number of conversations, in which he himself does not participate: the *Kuzari* is largely an "imitative," not "narrative"<sup>16</sup> account of how a pagan king (the Kuzari)

<sup>14</sup> The doctrine of the unity of God is presented in V 18, that of the justice of God in V 20. In V 19, it is made clear that Halevi does not identify himself with the former doctrine, whereas he does identify himself with the latter. (Cf. M. Ventura, *Le Kalâm et le Péripatétisme d'après le Kuzari*, Paris 1934, 10 ff.). It appears from V 2 (296, 1-2) that the question of predestination which in V 19 is designated as the topic of V 20, does not belong to "theology" (cf. *ibid.* 294, 18), i. e. to the only theoretical discipline to which it could possibly belong. That question is described in V 19 as a "practical question", if we accept the reading of the original, or as a "scientific question", according to Ibn Tibbon's translation. Both readings are acceptable considering that that description is given, not by Halevi's spokesman, but by a much less competent man who may, or may not, have understood the character of the question concerned: actually it is a practical question, as is intimated in V 2 (296, 1-2). Cf. also the type of questions whose treatment is recommended in V 21. — The view that the question of Divine justice, and the implications of that question do not belong to "theology" (or metaphysics) and hence not to theoretical knowledge altogether, is shared by Maimonides as is shown by the place where he discusses them in both the *Mishneh Torah* and the *Guide*: he discusses them in both works after having completed his treatment of physics and metaphysics. (Cf. H. Teshuba, the heading and V ff., with H. Yesode ha-torah II 11 and IV 13; and *Guide*, III 8-24 with III 7 end and II 30.)

<sup>15</sup> As regards the relation of kalâm and dialectics, cf. V 1 and V 15-16 beg.

<sup>16</sup> Cf. Plato, *Republic*, 394 b9-c3.

gradually becomes converted to Judaism by engaging in conversations first with a philosopher, then with a Christian scholar, thereafter with a Muslim scholar, and finally with a Jewish scholar; the conversations between the king and the Jewish scholar make up the bulk of the work (about 172 pages out of 180). To understand the *Kuzari*, one has to understand, not only the content, i. e. the statements made by the Jewish scholar in particular, but also the form, i. e. the conversational setting of all statements in general and of each statement in particular. To understand any significant thesis of the work, one has to understand the statements made by the characters in the light of the conversational situation in which they occur: one has to translate the "relative" statements of the characters, i. e. the statements made by them according to their peculiar moral and intellectual qualities and their peculiar intentions in a peculiar conversational situation and possibly with a view to that situation, into "absolute" statements of the author, i. e. statements which express the author's views directly.<sup>17</sup>

<sup>17</sup> One cannot simply identify Halevi's views with the statements of his spokesman, the Jewish scholar. Halevi intimates near the beginning of I 1 (3, 13) that not all arguments of the scholar convinced him. Or should he have omitted from his account those arguments of the scholar with which he could not identify himself? He certainly does not say that he did so. On the contrary, he claims that he has put down in writing the disputation as it had taken place (3, 14). But, it will be argued, that disputation evidently never took place in the form described by Halevi. Very well; but exactly if this is the case, Halevi asserts the truth of something which he knew not to be true, and hence we have to take his statements (or the statements of the man with whom he identifies himself) with a grain of salt; as matters stand, this means that we have to distinguish between the "relative" and the "absolute" statements. Not without good reason does he conclude the prooemium with the admonition "And those who understand will comprehend." This remark cannot possibly refer to the fact that the conversations are fictitious; for this is evident even to those who do not understand. Moscato *ad loc.* prefers the MS. readings *לרעתו* and *נפשי* to the other MS. readings, at present generally adopted, *לרעתי* and *נפשי* (3, 13): according to the former readings, Halevi merely says that some of the arguments of the scholar convinced the king, thus leaving it entirely open whether and how far any of these arguments convinced the author. — The distinction between "relative" and "absolute" statements is akin to the distinction between arguments *ad hominem* and demonstrative arguments as used by H. A. Wolfson, "Hallevi

In the case of an author of Halevi's rank, it is safe to assume that the connection between the content of his work and its form is as necessary as such a connection can possibly be: he must have chosen<sup>18</sup> the peculiar form of the *Kuzari* because he considered it the ideal setting for a defence of Judaism. To defend Judaism before a Jewish audience — even before an audience of “perplexed” Jews as in Maimonides' *Guide* — is almost as easy as it is to praise Athenians before an Athenian audience:<sup>19</sup> hence Judaism has to be defended before a Gentile. Besides, a Gentile who is a Christian or a Muslim, recognizes the Divine origin of the Jewish religion; hence Judaism has to be defended before a pagan. Moreover, there are pagans in a social position similar to that of the Jews and therefore apt to be sympathetic to things Jewish: hence Judaism, the “despised religion” of a persecuted nation, has to be defended before a pagan occupying a most exalted position, before a pagan king. And finally, we can imagine even a pagan king harboring some sympathy with Judaism and therefore easy to convince of the truth of Judaism: hence Judaism has to be defended before a pagan king who is prejudiced against Judaism. The *Kuzari* is a pagan king prejudiced against Judaism.<sup>20</sup> While it is fairly easy to defend Judaism before a Jewish audience, to defend Judaism before a pagan king prejudiced against Judaism — *hoc opus, hic labor est*. Now, the Jewish scholar conversing with the *Kuzari* succeeds not merely in defending Judaism, but in converting the king, and indirectly the king's nation, to Judaism. That conversion is the most striking testimony to the strength of the argument of the scholar. Yet such a conversion can easily be invented by any poet, and an invented conversion which takes place in the empty spaces of one's wishes, is much less convincing

and Maimonides on design, chance and necessity”, *Proceedings of the American Academy for Jewish Research*, XI, 1941, 160 f.

<sup>18</sup> We should have to speak of a choice, even if there were only one version of the story of the conversion of the Khazares, and Halevi had adopted that version without making any changes. For there is no immediately evident compelling reason why a defence of Judaism should be presented in the form of an account of how the *Kuzari* became converted to Judaism.

<sup>19</sup> Plato, *Menexenus*, 236a.

<sup>20</sup> I 4 (8, 21 f.) and 12. Cf. also I 27 f.



than an actual conversion which did take place in the resisting world. Hence, Halevi chooses an actual conversion of a pagan king, and an actual conversation, leading to that conversion, between the king and a Jewish scholar: he points out that the story of the conversion is taken from the histories, and as regards the arguments advanced by the scholar, he asserts that he had heard them.<sup>21</sup> If one adds to the points just mentioned the fact that Halevi had to show the superiority of Judaism to Islam in particular, one sees that he had to choose such an actual conversion of a pagan king to Judaism as had taken place after the rise of Islam, and thus, that his choice of the story of the Kuzari was absolutely rational and hence perfect.

The necessity of the connection between content and form of the work will become still more apparent if one considers what seems to be at first sight the strongest objection to the thesis that the setting of the *Kuzari* is the ideal setting for a defence of Judaism. The ideal defence of Judaism would be one which would convince the most exacting adversary if he judged fairly. Is the Kuzari an exacting adversary? However prejudiced against Judaism he may be, he meets two conditions which make him, to exaggerate for purposes of clarification, an easy prey to the superior knowledge, and the superior conversational skill, of the Jewish scholar. Two important things are settled with him before he meets the scholar. First he knows that philosophy (to say nothing of his pagan religion) is insufficient to satisfy his needs, and that a revealed religion (i. e. information given by God immediately to human beings concerning the kind of action which is pleasing to Him) is desirable, if open to grave doubts.<sup>22</sup> Now, for all practical purposes, there were only three religions which could claim to be the true and final revealed religion: Christianity, Islam and Judaism. The second thing settled with the king prior to his meeting the scholar, is that the claims of Christianity and Islam are unfounded. That is to say: he has almost no choice apart from embracing Judaism; he is a potential Jew before he ever met a Jew, or at least before he ever talked to a competent Jew.

<sup>21</sup> I 1 (3, 4-6 and 15 ff.) and II 1 beg.

<sup>22</sup> I 2, 4 beg., and 10.

To make a first step toward understanding this feature of the work, we have to mention the fact that the adversary *par excellence* of Judaism from Halevi's point of view is, not Christianity and Islam, but philosophy.<sup>23</sup> Hence one is entitled to consider the *Kuzari* primarily as a defence of Judaism against philosophy, and to raise the question as to whether the setting of the disputations is fit for such a defence. Philosophy is discussed twice: once between the king and a philosopher,<sup>24</sup> and once between the king and the Jew. There is no discussion of philosophy, and indeed no discussion whatsoever, between the Jew and the philosopher:<sup>25</sup> the king meets the Jew long after the philosopher has left. The philosopher is thoroughly familiar with philosophy, and so is the scholar. But the king cannot be said to have a more than superficial knowledge of philosophy.<sup>26</sup> This means: there is no discussion of philosophy between intellectual equals.<sup>27</sup> The whole discussion takes place on a level

<sup>23</sup> Five positions more or less inimical to (orthodox) Judaism are coherently discussed in the *Kuzari*: philosophy, Christianity, Islam, Karaism and kalâm; philosophy is the only one of these positions which is coherently discussed twice (in I 1-3 and V 2-14). Besides, the occasional polemical references to philosophy are more numerous, and much more significant, than the corresponding references to any other of the positions mentioned. Above all, only the philosopher denies the Mosaic revelation whereas the Christian and the Muslim admit it.

<sup>24</sup> As regards the meaning of dialogues between kings and philosophers, cf. Plato's *Second Letter*, 310e4-311b7.

<sup>25</sup> The subterraneous relation between the Jewish scholar and the philosopher is hinted at by the author's remark that both were asked by the king about their "belief", whereas both the Christian and the Muslim are said to have been asked by the king about their "knowledge and action"; see I 1 (2, 18), 4 (8, 23), 5 (12, 5 f.), and 10. The scholar himself says that the king had asked him about his "faith": I 25 (18, 12).

<sup>26</sup> Cf. I 72 ff. and IV 25 end.

<sup>27</sup> In this most important respect the form of the *Kuzari* agrees with that of the Platonic dialogues: all Platonic dialogues consist of conversations between a superior man, usually Socrates, and one or more inferior men. In some Platonic dialogues, two genuine and mature philosophers are present, but they have no discussion with each other: Socrates silently observes how Timaeus explains the universe, or how the stranger from Elea trains Theaetetus or the younger Socrates. In the *Parmenides*, we are confronted with the paradoxical situation that Socrates, being still very young, is in the

decidedly lower than that of a genuine philosophic discussion. For a defence of Judaism against philosophy, the setting of the *Kuzari* appears therefore to be singularly unsatisfactory. This remark is all the more justified, since the defect mentioned could easily have been avoided. Nothing indeed would have been easier for the poet Halevi than to arrange a disputation between the scholar and the philosopher before the king and his court, or preferably before the king alone, a disputation which would culminate in the conversion, not merely of the king, but above all of the philosopher himself: a greater triumph for the scholar, for the author, for Judaism, for religion is not even imaginable.<sup>28</sup> The poet refused to take this easy way. What was his reason?

Halevi knew too well that a genuine philosopher can never become a genuine convert to Judaism or to any other revealed religion. For, according to him, a genuine philosopher is a man such as Socrates who possesses "human wisdom" and is invincibly ignorant of "Divine wisdom."<sup>29</sup> It is the impossibility of con-

position of the inferior as compared with Parmenides and Zeno. — The fact that the *Kuzari* is written "in the form of a Platonic dialogue", has been noted by S. W. Baron, "Yehudah Halevi", *Jewish Social Studies*, 1941, 257.

<sup>28</sup> In both the letter of Joseph, the king of the Khazares, to Hasdai ibn Shaprut, and in the Genizah document published by Schechter (*Jewish Quarterly Review*, N. S., III, 1912-3, 204 ff.), disputations between the various scholars before the king are mentioned. In neither document is there any mention of a philosopher. The addition of a philosopher and the omission of a disputation before the king are the most striking differences between Halevi's version of the story and these two other versions.

<sup>29</sup> Halevi mostly identifies "philosopher" with "Aristotelian" or even Aristotle himself, since Aristotle is the philosopher *par excellence*. But, as is shown by the fact that the Aristotelian school is only one among a number of philosophic schools — cf. I 13, IV 25 end and V 14 (328, 24-26) —, "philosophy" designates primarily, not a set of dogmas, and in particular the dogmas of the Aristotelians, but a method, or an attitude. That attitude is described in IV 18 and III 1 (140, 11-16). Its classic representative is Socrates. In order to establish the primitive and precise meaning which "philosophy" has in Halevi's usage, one has to start from IV 13, that fairly short paragraph in which "the adherents of the law" and "the adherents of philosophy" are contrasted with each other in the clearest manner, and which has the unique feature that each of these two terms which do not occur too often in the *Kuzari*, occurs in it three times. (To be exact, פחשרע occurs three times,

verting a philosopher to Judaism which he demonstrates *ad oculos* by omitting a disputation between the scholar and the philosopher. Such a disputation, we may say to begin with, is impossible: *contra negantem principia non est disputandum*. The philosopher denies as such the premises on which any demonstration of the truth of any revealed religion is based. That denial may be said to proceed from the fact that he, being a philosopher, is untouched by, or has never tasted, that "Divine thing" or "Divine command" (*amr ilâhî*) which is known from actual experience both to the actual believer, the Jewish scholar, and the potential believer, the king. For in contrast with the philosopher, the king was from the outset, by nature, a pious man: he had been observing the pagan religion of his country with great eagerness and all his heart; he had been a priest as well as a king. Then something happened to him which offers a striking similarity, and at the same time a striking contrast, to what happened to the philosopher Socrates. Socrates is said to have been set in motion by a single oracle which the priestess of the Delphian god had given to an inquiring friend of his; the king was awakened out of his traditionalism<sup>30</sup> by a number of dreams in which an angel, apparently answering a prayer of his, addressed him directly. Socrates discovered the secret of the oracle by examining the representatives of various types of knowledge; the king discovered the secret of his dreams by examining the representatives of various beliefs, and, more directly, by being tutored by the Jewish scholar. Socrates' attempt to check the truth of the oracle led him to the philosophic life; the king's attempt to obey the angel who had spoken to him in his dreams, made him at once immune to philosophy

תפלתו שתי פעמים and תפלתו פעם.) The center of that paragraph is a saying of Socrates which deals precisely with the problematic relation between philosophy and law (*viz.*, Divine law), or between human wisdom and Divine wisdom. That saying, going back to Plato's *Apology of Socrates* (20d6-e2), is quoted again, with some modifications, in V 14 (328, 13-18). The possibility, alluded to in IV 3 (242, 26), of "adherents of philosophy who belong to the adherents of the religions" is, to begin with, unintelligible rather than that truism which it is supposed to be to-day.

<sup>30</sup> Cf. I 5 (12, 4 f.).

and ultimately led him into the fold of Judaism.<sup>31</sup> By indicating the facts mentioned which adumbrate the character of the king, Halevi makes clear the natural limits of his explicit arguments: these arguments are convincing, and are meant to be convincing, to such naturally pious people only as have had some foretaste of Divine revelation by having experienced a revelation by an angel or at least a rudimentary revelation of one kind or another.<sup>32</sup>

This explanation is however not fully satisfactory. For it is not true that a discussion between the believer and the philosopher is impossible for the reason mentioned. If that reason were valid, the philosopher as such would have to acknowledge his utter incompetence with regard to that vast realm of specific experiences which is the domain of faith. Philosophy being a kind of knowledge accessible to man as man, the believer who has exerted his natural faculties in the proper way, would know everything the philosopher knows, and he would know more; hence the philosopher who admits his incompetence concerning the specific experiences of the believer, would acknowledge, considering the infinite importance of any genuine revelation,

<sup>31</sup> I 1 (3, 6-12 and 15-17), 2, 98; II 1 beg. Cf. *Apology* 21b3-4 and c1-2. — Compare the transition from "as if an angel were speaking to him" (3, 7) to "the angel came to him at night and said" (3, 10 f.) with the transition from the Pythia to the god in the *Apology* (21a6 and b3); and the transition from "this caused him to inquire" (3, 11 f.) to "he commanded him in the dream to seek" (3, 16 f.) with the transition from Socrates' own decision to examine the oracle to the view that this examination was an act of obedience to the god in the *Apology* (21c1 and 23c1; cf. 37e6). What I am pointing out, are parallels, not necessarily borrowings. As regards the Arabic translation of the *Apology*, see M. Steinschneider, *Die arabischen Uebersetzungen aus dem Griechischen*, Leipzig 1897, 22. — The "as if" (3, 7) is, of course, absent from the parallel, or the model, in the letter of the king Joseph to Hasdai ibn Shaprut. Cf. I 87 (38, 27 ff.).

<sup>32</sup> Cf. note 47 below. — The limitation of the bearing of Halevi's argument may be compared to the limitation, suggested by Aristotle, of the ethical teaching: the ethical teaching, as distinguished from the theoretical teaching, is addressed, not to all intelligent people, but to decent people only, and only the latter can truly accept it. Cf. *Eth. Nic.* 1095b4-6 and 1140b13-18.

that his position in regard to the intelligent believer is, possibly, not merely unambiguously worse, but infinitely worse than that of a blind man as compared with that of a man who sees. A merely defensive attitude on the part of the philosopher is impossible: his alleged ignorance is actually doubt or distrust.<sup>33</sup> As a matter of fact, the philosophers whom Halevi knew, went so far as to deny the very possibility of the specific experiences of the believers as interpreted by the latter, or, more precisely, the very possibility of Divine revelation in the precise sense of the term.<sup>34</sup> That denial was presented by them in the form of what claimed to be a demonstrative refutation. The defender of religion had to refute the refutation by laying bare its fallacious character. On the level of the refutation and of the refutation of the refutation, i. e. on the level of "human wisdom," the disputation between believer and philosopher is not only possible, but without any question the most important fact of the whole past.<sup>35</sup> Halevi draws our attention most forcefully to the possibility of such a disputation by inserting on an occasion which, we can be sure, was the most appropriate one, into the actual dialogue between the king and the scholar what almost amounts to a fictitious dialogue between the scholar and the philosopher: the scholar refutes an objection of the

<sup>33</sup> The saying of Socrates which is quoted twice in the *Kuzari* (cf. note 29 above), viz. that he does not grasp the Divine Wisdom of the people to whom he is talking, is evidently a polite expression of his rejection of that wisdom. Those who do not think that Halevi noticed Socrates' irony, are requested to disregard this paragraph which is based on the assumption, in itself as indemonstrable as theirs, that he did notice it. From the context of the first of the two quotations it appears that the attitude of the philosophers is not altered if the people of Socrates' time are replaced by the adherents of revealed religion.

<sup>34</sup> I 1 (2, 21 ff.), 6, 8, 87, II 54 (114, 5-9), IV 3 (228, 18-23). A comparison of IV 3 *vers. fin.* (244, 22 ff.) with III 17 (168, 2-3) among other passages shows that the philosopher as such is a "sindik", an "apikores."

<sup>35</sup> Cf. 6-8. — One cannot recall too often this remark of Goethe (in the *Noten und Abhandlungen zum besseren Verständnis des West-östlichen Divans*): "Das eigentliche, einzige und tiefste Thema der Welt- und Menschengeschichte, dem alle übrigen untergeordnet sind, bleibt der Konflikt des Unglaubens und Glaubens."

philosophers by addressing the philosopher directly.<sup>36</sup> The philosopher addressed is naturally not present and hence in no position to answer. It is therefore exceedingly hard to tell whether in an actual dialogue between scholar and philosopher, the philosopher would have been reduced to silence by a refutation which evidently satisfies the king, but perhaps not every reader.<sup>37</sup> What has been observed with regard to this particular refutation, calls for a generalisation. Since no philosopher is present in the *Kuzari* to examine the argument of the scholar, we cannot be certain whether and how far a philosopher would have been impressed by that argument. If Halevi were a philosopher, the absence of an actual conversation between scholar and philosopher could be accounted for precisely on the ground of the doubt just expressed. The purpose of that feature of the work would be to compel the reader to think constantly of the absent philosopher, i. e. to find out, by independent reflection, what the absent philosopher might have to say. This disturbing and invigorating thought would prevent the reader from falling asleep, from relaxing in his critical attention for a single moment. But Halevi is so much opposed to philosophy, he is so distrustful of the spirit of independent reflection, that we are obliged not to lay too strong an emphasis on this line of approach.

To return to safer ground, we start from the well-known fact that Halevi, in spite of his determined opposition to philosophy as such, underwent the influence of philosophy to no inconsiderable degree. What does influence mean? In the case of a superficial man, it means that he accepts this or that bit of the influencing teaching, that he cedes to the influencing force on the points where it appears to him, on the basis of his previous notions, to be strong, and that he resists it on the points where it appears to him, on the basis of his previous notions, to be

<sup>36</sup> II 6. The "O philosopher" of the scholar recalls the almost identical expression with which the king took leave of the real philosopher in I 4 (8, 19). (No allocution of the kind occurs in the king's conversations with the Christian and the Muslim.) In a sense, the philosopher is always present in the *Kuzari*.

<sup>37</sup> See the judicious remarks of Wolfson, *op. cit.*, 116 and 124 f.

weak. A confused or dogmatic mind, in other words, will not be induced by the influencing force to take a critical distance from his previous notions, to look at things, not from his habitual point of view, but from the point of view of the center, clearly grasped, of the influencing teaching, and hence he will be incapable of a serious, a radical and relentless, discussion of that teaching. In the case of a man such as Halevi, however, the influence of philosophy on him consists in a conversion to philosophy: for some time, we prefer to think for a very short time, he was a philosopher.<sup>38</sup> After that moment, a spiritual hell, he returned to the Jewish fold. But after what he had gone through, he could not help interpreting Judaism in a manner in which only a man who had once been a philosopher, could interpret it. For in that moment he had experienced the enormous temptation, the enormous danger of philosophy.<sup>39</sup> The manner in which he defends Judaism against philosophy, testifies to this experience. For if he had presented a disputation between the Jewish scholar and the philosopher, i. e. a discussion of the crucial issue between truly competent people, he would have been compelled to state the case for philosophy with utmost clarity and vigor, and thus to present an extremely able and ruthless attack on revealed religion by the philosopher. There can be no doubt, to repeat, that the arguments of the philosopher could have been answered by the scholar; but it is hard to tell whether one or the other of the readers would not have been more impressed by the argument of the philosopher than by the rejoinder of the scholar. The *Kuzari* would thus have become an instrument of seduction, or at least of confusion. Of the kalâm, the defence of religion by means of argument, the scholar who presents such a defence himself, says with so many words that it may become dangerous because it leads to,

<sup>38</sup> Cf. Baron, *op. cit.*, 259 n. 33.

<sup>39</sup> The wisdom of the Greeks has either no fruit at all or else a pernicious fruit, *viz.* the doctrine of the eternity of the world — therefore it is extremely dangerous —; but it has blossoms (and evidently beautiful ones) — therefore it is extremely tempting —. Cf. Halevi's *Divan*, ed. Brody, II, p. 166. — As regards the lacking "fruit" of philosophy, cf. V 14 (326, 6-8).



or implies the raising of, doubts.<sup>40</sup> But what is true of the kalâm, is of course infinitely truer of philosophy. Nothing is more revealing than the way in which Halevi demonstrates *ad oculos* the danger of philosophy. The king had been converted to Judaism, i. e. his resistance, based on the influence of philosophy, had been overcome; he had been given a detailed instruction in the Jewish faith; the errors of the philosophers had been pointed out to him on every suitable occasion; he had even begun to consider himself a normal Jew. Then, almost at the end of their intercourse, a question of his induces the scholar to give him a summary and very conventional sketch of the philosophic teaching. The consequence of this disclosure is contrary to all reasonable expectation: in spite of all that men and angels had done to protect him, the king is deeply impressed by that unimpressive sketch of philosophy, so much so, that the scholar has to repeat his refutation of philosophy all over again.<sup>41</sup> Only by elaborating the philosophic argument which Halevi, or rather his characters merely sketch, can one disinter his real and inexplicit objection to, and refutation of, that argument.<sup>42</sup>

The explanation suggested might seem to impute to Halevi a degree of timidity which does not become a great man. But the line of demarcation between timidity and responsibility is drawn differently in different ages. As most people today would readily admit, we have to judge an author according to the standards which prevailed in his age. In Halevi's age, the right, if not the duty, to suppress teachings, and books, which are detrimental to faith, was generally recognized. The philosophers themselves did not object to it. For the insight into the dangerous nature of philosophy was not a preserve of its orthodox adversaries, such as Halevi. The philosophers themselves had taken over the traditional distinction between exoteric and esoteric teachings, and they held therefore that it was dangerous, and hence forbidden, to communicate the esoteric teaching to

<sup>40</sup> V 16. Cf. Elia del Medigo, *Behinat ha-dat*, ed. by S. Reggio, 8.

<sup>41</sup> V 13-14 beg.

<sup>42</sup> Cf. note 17 above.

the general public.<sup>43</sup> They composed their books in accordance with that view. The difficulties inherent in Halevi's presentation of philosophy<sup>44</sup> may very well reflect difficulties inherent in the presentation of philosophy by the philosophers themselves. Near the beginning of his *Hayy ibn Yukdhân*, Ibn Tufail gives a remarkable account of the self-contradictions of Fârâbî concerning the life after death, and of similar self-contradictions of Ghazâlî. He also mentions the difference between Avicenna's Aristotelianizing doctrine set forth in the *K.al-shifâ* and his real doctrine set forth in his *Oriental Philosophy*, and he informs us about Avicenna's distinction between the exterior and the interior meaning of both the writings of Aristotle and his own *K.al-shifâ*. Finally, he mentions Ghazâlî's enigmatic and elliptic manner of writing in his exoteric works and the disappearance, or practical inaccessibility, of his esoteric works.<sup>45</sup> The fact that informations such as these are not at present considered basic for the understanding of medieval philosophy, does not constitute a proof of their insignificance.<sup>46</sup>

To conclude: Halevi's defence of Judaism against its adversaries in general, and the philosophers in particular is addressed

<sup>43</sup> Cf. Averroes, *Philosophie und Theologie*, ed. by M. J. Müller, Munich 1859, 70 ff.

<sup>44</sup> To my mind, the most telling of these difficulties is the description of the various philosophic sects (those of Pythagoras, Empedocles, Plato, Aristotle etc.) as sects of mutakallimûn; see V 14 (328, 23; cf. 330, 5). Cf. also V 1 where, at least apparently (cf. Ventura, *loc. cit.*, 11 n. 6: "Il y est incontestablement question des philosophes"), the account of the philosophic teaching is introduced as an account of the kalâm.

<sup>45</sup> Ed. by L. Gauthier, 2nd ed., Beyrouth 1936, 13-18. Cf. Averroes, *op. cit.*, 17 f. and 70 ff., and Maimonides, *Treatise on Resurrection*, ed. by Finkel, 13. Cf. also *Kuzari* V 14 (328, 24-26) on the two types of Aristotelians. — It is hardly necessary to state explicitly that even the esoteric books are not esoteric strictly speaking, but merely more esoteric than the exoteric books; consider Maimonides, *Guide*, I Introd. (4a).

<sup>46</sup> The phenomenon in question is at present discussed under the title "mysticism." But esotericism and mysticism are far from being identical. That Fârâbî in particular has nothing in common with mysticism, is stated most clearly by Paul Kraus, "Plotin chez les Arabes", *Bulletin de l'Institut d'Égypte*, XXIII, 1940-1, 269 ff.

to naturally pious people only, if to naturally pious people of a certain type. A naturally pious man, as the Kuzari undoubtedly is, is by no means necessarily a naturally faithful man, i. e. a man who is naturally so immune to any false belief that he does not need arguments in order to adhere to the true belief, to Judaism: the Kuzari, the immediate and typical addressee of the defence, offered in the *Kuzari*, of Judaism, is a naturally pious man in a state of doubt.<sup>47</sup> Halevi refrained from refuting the argument of the philosophers on its natural level out of a sense of responsibility.<sup>48</sup> This explains also, as can easily be inferred, why he addresses his defence of Judaism primarily to a Gentile who, as such, is a doubter as regards Judaism. In Halevi's age there unquestionably were doubting Jews,<sup>49</sup> those "perplexed" men to whom Maimonides dedicated his *Guide*. But is not a doubting Jew an anomaly? What is inscrutable in everyday life, is made visible by the poet: the doubting Jew to whom he addresses four fifths of his defence of Judaism, is evidently not a descendant from the witnesses of the Sinaitic revelation.

<sup>47</sup> As regards naturally faithful men, cf. V 2 (294, 15) and 16 (330, 26 ff.). As regards the connection between natural faith and pure Jewish descent, one has to consider I 95 and 115 (64, 8-10) and V 23 (356, 19 f.). In V 2 (294, 17) the scholar admits the possibility that the Kuzari is naturally faithful, and not a (pious) doubter. This would mean that his conversion has been effected decisively, not by argument, but by "slight intimations" and by "sayings of the pious" which kindled the spark in his heart. Since the scholar leaves it open whether this is the case, we are entitled to stick, in the present article, to the general impression derived from the *Kuzari*, that the king was converted by argument, and hence that he is not naturally faithful.

<sup>48</sup> On the influence of this motive on the literary character of Maimonides' *Guide*, cf. Isaak Heinemann, "Abravanel's Lehre vom Niedergang der Menschheit", *Monatschrift für Geschichte und Wissenschaft des Judentums*, LXXXII, 1938, 393.

<sup>49</sup> Halevi apparently denies this fact in IV 23 (266, 10-13); but, apart from other considerations, the statement in question is supposed to have been made, not in 1140, but in 740, i. e. prior to the emergence of philosophy in the Arabic-speaking world; cf. I 1 (3, 5 f.) and 47. — Cf. also Baron, *op. cit.*, 252 f.

## II. THE PHILOSOPHER AND HIS LAW OF REASON

The Law of Reason is mentioned first by the philosopher, the first interlocutor of the king. For the king, a pagan, approaches first a spiritual descendant of the pagan Aristotle.<sup>50</sup> The philosopher reveals himself in two ways: by what he says and by the manner in which he says it. By the content of his speech, he may reveal himself as an adherent of one particular philosophic sect among many, of one particular brand of Aristotelianism; but philosophy is not identical with Aristotelianism; to recognize the philosopher in the Aristotelian, one has to listen first to the manner in which he speaks.

Whereas the Christian and the Jew open their expositions with a "credo," the philosopher opens each of his two speeches with a "non est." The philosopher's first word (לֵים) expresses a denial: philosophy comes first into sight as a denial of something, or, to make use of Hegel's interpretation of the *signum reprobationis* which an orthodox adversary had discovered on Spinoza's face, as a reprobation of something. The philosopher does not start, as the Christian and the Jew do with an "I," nor, as the Muslim does with a "We."<sup>51</sup> In fact, apart from an exception to be mentioned immediately, he never speaks in the first person: he consistently speaks of "the philosophers," as if he did not belong to them. If the author and the king did not tell us that he is a philosopher, we could not be sure that he is one. He presents himself as an interpreter of, or as a messenger from, the philosophers rather than as a philosopher. The only exception to the rule mentioned are the three cases in which he uses the expression, never used by the Christian and the Muslim, "I mean to say";<sup>52</sup> he seems to be in the habit of expressing himself in a way which requires explanation; in three cases, he uses religious terms in a sense very different from their ordinary, religious meaning.

<sup>50</sup> Cf. I 63 and IV 3 (242, 23-26) with I 10 and V 20 (348, 25 ff. and 350, 2 ff.).

<sup>51</sup> I 1 (2, 18), 3, 4 (8, 23) and 11. Cf. I 5 (12, 6).

<sup>52</sup> יָנַח: I 1 (4, 23; 6, 24 and 25). Cf. *ib.* (4, 3 f. and 6, 9 f.). Cf. IV 13 (252, 28 ff.).

The angel had answered the king in his dream that while God liked his "intention," He disliked his "action." The philosopher answers the king who apparently had asked him about the kind of actions which God likes, that God has no likes or dislikes, no wish or will of any kind, and that God has no knowledge of changeable things, such as individual human beings and their actions and intentions.<sup>53</sup> The implication of the philosopher's answer is that the information which the king had received in his dream, is not true. He alludes to this implication by making it clear that prophecies, dreams and visions are not of the essence of the highest perfection of man.<sup>54</sup> There seems to be some connection between the form of the message which the king had received, and its content: between revelation and the emphasis on "action," and, on the other hand, between the philosopher's denial of revelation proper and his implied denial of the relevance of "action." By "action," both the angel and the king evidently understood ceremonial action: it was the king's manner of worship which was displeasing to God.<sup>55</sup> But "action" has more than one meaning: it may designate the most important and most venerable action, *viz.* ceremonial actions, but it may also designate of course any action and in particular moral action. The philosopher denies the relevance, not only of ceremonial actions, but of all actions; more precisely, he asserts the superiority of contemplation as such to action as such: from the philosopher's point of view, goodness of character and goodness of action is essentially not more than a means toward, or a by-product of, the life of contemplation.<sup>56</sup> The king who believes in revelation — to begin with, in revelation

<sup>53</sup> I 1 (3, 1-21) and 2 (8, 1-2).

<sup>54</sup> I 1 end. Cf. I 4 (8, 14-18) and 87 (38, 27).

<sup>55</sup> See the context of *במעשים ההם* in I 1 (3, 10). Cf. Maimonides, *Guide*, III 38, 52 (130b) and 54 (134b).

<sup>56</sup> I 1 (6, 10-17). Cf. Fârâbi, *Al-madîna al-fâdîla*, ed. by Dieterici, 46, 16-19. As regards Maimonides, cf. the H. De'ot as a whole with *Guide* III 27 and I 2. Cf. also Julius Guttmann, "Zur Kritik der Offenbarungsreligion in der islamischen und jüdischen Philosophie", *Monatsschrift für Geschichte und Wissenschaft des Judentums*, LXXVIII, 1934, 459, and H. A. Wolfson, "Hallevi and Maimonides on prophecy", *Jewish Quarterly Review*, N. S., XXXII, 1942, 352.

by angels, and later on in Divine revelation —, believes for the same reason in the superiority of action to contemplation; and the philosopher who denies revelation, believes for the same reason in the superiority of contemplation to action. It is only on the basis of the assumption of the superiority of practical life to contemplative life that the necessity of revelation in general, and hence the truth of a given revelation in particular can be demonstrated;<sup>57</sup> and this assumption is taken for granted by the king, who, as king, is the natural representative of the practical or political life.

From his theological assumptions, the philosopher is naturally led to the practical conclusion that a man who has become a philosopher, would choose one of these three alternatives: 1) to be indifferent as to manner of his worship and to his belonging to this or that religious, ethnic or political group; 2) to invent for himself a religion for the purpose of regulating his actions of worship as well as of his moral guidance and the guidance of his household and his city; 3) to take as his religion the rational *nomoi* composed by the philosophers and to make purity of the soul his purpose and aim. If one considers the context, it becomes apparent that the philosopher gives the king the conditional advice — conditional, that is, on the king's becoming a philosopher — to decide the religious question on grounds of mere expediency: the king may disregard his dream altogether and continue in his ancestral religion, or he may choose one of the other religions already in existence (Christianity or Islam e. g.), or he may invent a new religion, or he may adopt as his religion the rational *nomoi* of the philosophers.<sup>58</sup> This advice calls for some attention since it contains what may be said to be the only authentic declaration, occurring in the *Kuzari*, of the intentions of the philosophers; for that declaration is made by the philosopher in person, and not by the Jewish scholar who is an adversary of philosophy, nor by the king, who has only a superficial knowledge of philosophy. The religious indifference of the philosopher knows no limits: he does not oppose

<sup>57</sup> Cf. I 98, II 46 and III 23 (176, 18–20), and the scholar's attack on the contemplative religion in I 13. Cf. notes 14 and 32 above.

<sup>58</sup> I 1 (6, 17–22). Cf. II 49 and IV 13 (252, 24–26).

to the "errors" of the positive religions the religion of reason; he does not demand that a philosopher who as such no longer believes in the religion of his fathers, should reveal his religious indifference, proceeding from unbelief, by openly transgressing the laws of that religion; he does not by any means set up the behavior of Elisha ben Abuya,<sup>59</sup> or of Spinoza, as the model of philosophic behavior; he considers it perfectly legitimate that a philosopher who as such denies Divine revelation, adheres to Islam for example, i. e. complies in deed and speech with the requirements of that religion and therefore, if an emergency arises, defends that faith which he cannot but call the true faith, not only with the sword, but with arguments, *viz.* dialectical arguments, as well.<sup>60</sup> The philosopher certainly does not say, or imply, that a genuine philosopher would necessarily openly reject any other religion or law in favor of the rational *nomoi* composed by the philosophers or of "the religion of the philosophers," although he does admit that under certain circumstances he might.

What have we to understand by these rational *nomoi*? They cannot be identical with the *lex naturalis* which binds every man and which is the sum of dictates of right reason concerning objects of action. For how could one say of such dictates that they can be exchanged with any other order of life, the religion of the Khazares e. g.? Nor can they be identical with the "rational laws," with those elementary rules of social conduct which have to be observed equally by all communities, by the most noble community as well as by a gang of robbers; for the rational *nomoi* which the philosopher has in mind, are not merely the framework of a code, but a complete code: they are identical with "the religion of the philosophers."<sup>61</sup> It is evident that the philosopher does not consider the rational *nomoi*, or the religion of the philosophers, in any way obligatory. This does not mean that he considers

<sup>59</sup> Cf. III 65 (216, 2 f.) with the passages indicated in the preceding note.

<sup>60</sup> This possibility has to be considered for the interpretation of the remark on "the students of philosophy among the adherents of the religions" in IV 3 (242, 23-26). Cf. Bahya ibn Pakuda, *Al-hidāya ilā farā'id al-ḥulūb*, III 4, ed. by Yahuda, p. 146. — Cf. notes 44 and 11 above.

<sup>61</sup> Cf. I 3 with I 1 (6, 21).

them absolutely arbitrary: the rational *nomoi* have not been "invented" to satisfy a passing need of a particular man or group, but, being emphatically "rational," they have been set up by the philosophers with a view to the unchanging needs of man as man; they are codes fixing the political or other conditions most favorable to the highest perfection of man: Plato's *Laws* were known in Halevi's period as Plato's rational *nomoi*.<sup>62</sup> Now, if the highest perfection of man is indeed philosophy, and a life devoted to philosophy is essentially asocial, the rational *nomoi* would be the *regimen solitarii*: the philosopher certainly does not mention any social relations when speaking of the rational *nomoi*, whereas he does mention such relations when speaking of the religion which the king might invent.<sup>63</sup> The ambiguity of the term "rational *nomoi*," viz. that it might designate an essentially political code, such as that suggested in Plato's *Laws*, which contains a political theology, and an essentially apolitical rule of conduct destined for the guidance of the philosopher alone, would at any rate be easily understandable on the basis of Plato's own teaching: just as the philosopher's city is not necessarily an earthly city, a political community, the philosopher's law is not necessarily a political law.<sup>64</sup> From the philosopher's point of view, the way of life of the philosopher who is a member of the most excellent political community, or the way of life of the philosopher who leads an absolutely private life, is without any question preferable to any other religion; but their being preferable does not make these ways of life indispensable and hence obligatory: Socrates led the philosophic

<sup>62</sup> Cf. Moritz Steinschneider, *Die arabischen Uebersetzungen aus dem Griechischen*, Leipzig 1897, 19, and *Die hebräischen Uebersetzungen des Mittelalters*, Berlin 1893, 848 f., as well as Alexander Marx, "Texts by and about Maimonides", *Jewish Quarterly Review*, N. S., XXV, 1934/5, 424. — Consider Fârâbî's account of Plato's *Laws* in his treatise on Plato's philosophy (the Hebrew translation in Falkera's *Reshit Hokmah*, ed. by David, 77).

<sup>63</sup> Cf. I 1 (6, 22) with III 1 (140, 11–16) and IV 18. Cf. Aristotle, *Eth. Nic.*, 1177a27–34 (and *Politics* 1267a10–12), and the remarks of medieval writers which are quoted by I. Efros, "Some textual notes on Judah Halevi's Kusari", *Proceedings of the American Academy for Jewish Research*, 1930/1, 5. Cf. note 72 below.

<sup>64</sup> Cf. *Republic* IX *in fine* with *Laws* 739b8 and d 3.



life although he was an active member of a political community which he considered very imperfect.<sup>65</sup> Or, to state this fact in the language of a medieval philosopher, one can live in solitude both by retiring from the world completely and by partaking of the political community, of the city, be that city excellent or defective.<sup>66</sup> It is for this reason that the philosopher in the *Kuzari* declares it to be fairly irrelevant whether the philosopher adopts the rational *nomoi* composed by the philosophers or any other religion.

The philosopher takes leave of the king, and of the readers, with his second speech which consists of one short sentence only. That sentence is to the effect that "the religion of the philosophers" does not approve of, or command, the killing of the adherents of other religions as such.<sup>67</sup> No other conclusion could be drawn from the premise that the religion of the philosophers is not obligatory for the very philosophers, let alone for other human beings; this being the case, it would be most unjust to impose it by force on people who do not freely choose it. The quiet and clear assertion with which the philosopher leaves the stage, is not without effect on the later happenings in the *Kuzari*, as appears from the passages in the conversations between the king and the Jewish scholar where war and killing and enemies are mentioned.

<sup>65</sup> Cf. the discussion of the two ways of life — the apolitical and the political — which Socrates successively adopted in Muhammad b. Zakariyya al-Râzi's *K.al-sîrat al-falsafiyya*, ed. by Paul Kraus, *Orientalia*, N. S., IV, 1935, 309 f.

<sup>66</sup> See Narboni's remarks introducing his excerpts from Ibn Baġġa's *k.tadbîr al-mutawahhid*, ed. by Herzog, 7 f.

<sup>67</sup> I 3. Ibn Tibbon's translation קהל וזחר טן האולאי for הריגת אדם is unacceptable. האולאי refers back to the Christians and Muslims and their religious wars which had been mentioned by the king in the preceding speech. The philosopher does not say that the religion of the philosophers objects to the killing of any human beings. The killing of bestial men, of men on the lowest level of humanity — cf. I 1 (4, 14 f.) — was considered legitimate by the philosophers; see Fârâbî, *k.al-siyâsât al-madamiyya*, Hyderabad 1346, 57 f. The view expressed by Ibn Tibbon's translation is in accordance with Plato's *Phaedo* 66 c5-d3; cf. also Râzi's account of the attitude of the young Socrates in the *k.al-sîrat al-falsafiyya*.

### III. THE LAW OF REASON AS A THEOLOGICO-POLITICAL CODE

The Law of Reason which is not mentioned at all in the conversations of the king with the Christian and the Muslim, occurs more than once in his conversations with the Jewish scholar.<sup>68</sup> At first glance, the scholar's attitude toward the Law of Reason seems to be self-contradictory: in one passage he opposes the rational *nomoi*, while in the other passages where he mentions them, he approves of them.<sup>69</sup> One does not solve this difficulty by saying that the rational *nomoi* of which he approves are not identical with the rational *nomoi* which he rejects; for this does not explain why he uses one and the same term for two so greatly different things. This ambiguity which could easily have been avoided, is due, as all ambiguities occurring in good books are, not to chance or carelessness, but to deliberate choice, to the author's wish to indicate a grave question. It is therefore wise to retain to begin with the ambiguous term and to understand the different attitudes of the scholar to *the* rational *nomoi* in the light of the different conversational situations in which they express themselves. The remark unfavorable to the rational *nomoi* occurs in the first *makâla*, whereas the remarks which are favorable to them, occur in the subsequent *makâlât*. Now, the first *makâla* contains the conversations preceding the king's conversion, whereas the later *makâlât* contain the conversations following it. This means: while the

<sup>68</sup> Cf. n. 25 above.

<sup>69</sup> He opposes them in I 81 (cf. the context: 79 f.). He approves of them in II 48, III 7 and V 14 (330, 7). In IV 19 (262, 17) the original merely speaks of *nomoi*, not, as Ibn Tibbon's translation does, of rational *nomoi*. But even if the reading of the translation should have to be preferred, the statements made in the text would not have to be materially altered, as appears from a comparison of the passage with the other passages mentioned: in I 81, he opposes the rational *nomoi*, and in II 48 and III 7, he approves of them, without mentioning the philosophers; IV 19, where *nomoi*, and perhaps even rational *nomoi*, of the philosophers are mentioned with a certain disapproval, is destined to prepare the eventual approval (in V 14) of the rational *nomoi* as observed or established by the philosophers. — Cf. below note 139. — "Rational laws" are alluded to by the king in III 60.

scholar adopts a negative attitude toward the rational *nomoi* as long as the king is outside of the Jewish community, as long as he can reasonably be suspected of doubting the truth of Judaism, he adopts a positive attitude toward them after the king's fundamental doubts have been definitely overcome. This is in accordance with another, more visible feature of the *Kuzari*, viz. that the scholar gives his sketch of the philosophic teaching almost at the end of his conversations with the king, i. e. considerable time after the king had begun to consider himself a normal Jew.<sup>70</sup> The scholar shows, not merely by "speech," by his explicit utterances, but by "deed," by his conduct, that only on the basis of faith can allowances be made for reason, or that it is hazardous, if not futile, to make reason the basis of faith.<sup>71</sup>

Immediately after the beginning of his first conversation with the king, the scholar attacks "the religion . . . to which speculation leads" in the name of the right kind of religion or law. That speculative "religion" is certainly, insofar as it regulates both "actions" and "beliefs" the same thing as a "law" or a "*nomos*." He calls that religion "syllogistic" with a view to its basis: it is based on demonstrative, rhetorical and other syllogisms. He calls it "governmental"<sup>72</sup> with a view to its purpose: it is in the service of government, either of political government, or of the government of the reason of the individual over his

<sup>70</sup> Cf. the allusions to this crucial event in IV 26 (282, 19: "we say") on the one hand, and in IV 22 *vers. fin.* ("O Jewish scholar . . . the Jews") on the other: it was the scholar's account of the *Sefer Yeširah* that brought about the king's complete and final conviction of the truth of the Jewish faith. — The fact that the scholar gives a sketch of the philosophic teaching in the fifth *makâla*, requires an explanation, since the king had asked him to give a sketch, not of the philosophic teaching, but of the *kalâm*; see V 1.

<sup>71</sup> Cf. II 26 end and V 16. Cf. p. 57 ff. and note 47 above.

<sup>72</sup> *Siyâsî*, derived from *siyâsa* (*government* or *rule*). *Siyâsa* may mean *πολιτεία* (the title of Plato's *Republic* was rendered in Arabic by "siyâsa" or "on the siyâsa"; see Fârâbî, *Iḥṣâ al-'ulûm*, ch. 5, and *K.tahzîl al-sa'âda*, Hyderabad 1345, 44) as well as the rule of reason over passion (see V 12 [318, 20 f.] and III 5 beg.). Accordingly, *siyâsî* can sometimes be rendered by "political" as in IV 13 (254, 12): צרורה סיאסיה ("political necessity"). — The Arabic translation of *πολιτεία* in the sense of *πολιτευμα* seems to be *riyâsa*.

passions. He implies that that religion is the work of the philosophers. He objects to it because it leads to doubt and anarchy: the philosophers do not agree as to a single action or a single belief. He traces that deficiency to the fact that the arguments supporting the philosophers' assertions are only partly demonstrative.<sup>73</sup> It is probably with a view to this fact that he refrains from calling that religion, or *nomos*, rational. His statements lead one to suspect that each philosopher, or at least each philosophic sect,<sup>74</sup> elaborated a religion of that kind. He does not say anything as to whether the philosophers themselves were aware of the rhetorical or sophistical character of some of their arguments which accounts for their religion as a whole being untrue or at least unfounded; but it is hard to believe that that character of the syllogisms in question should have escaped the notice of the very men who have taught mankind the difference between syllogisms which are demonstrative and syllogisms which are not. However this may be, the scholar makes it abundantly clear that the philosophers' religion is governmental and that the arguments supporting that religion are partly rhetorical.

When reading the scholar's remarks concerning the speculative religion, one cannot help recalling the remarks, made by the philosopher himself, concerning the rational *nomoi* composed by the philosophers or the religion of the philosophers. The philosopher himself did not consider that religion obligatory, for he considered it legitimate for the philosopher to exchange it with any other religion, and hence to adhere in his speeches as well as in his actions to a religion to which he does not adhere in his thoughts. Now the scholar tells us almost explicitly what the philosopher had hardly intimated — for the adversary of such a view can disclose its implications with greater safety than an adherent of it can —, that the religion of the philosophers prescribes, not merely actions, but beliefs as well.<sup>75</sup> Since the

<sup>73</sup> I 13. Cf. I 79 (34, 7 f.) and 103 (56, 12).

<sup>74</sup> IV 25 end.

<sup>75</sup> The philosopher himself indicates that the philosophers' religious indifference extends itself, not merely to mute actions, but to speeches as well; see I 1 (6, 17–22). He distinguishes however between the invariable "belief"

religion of the philosophers is, according to the philosopher's own admission, exchangeable with any other religion, the beliefs contained in the religion of the philosophers cannot be identical with the philosophic teaching proper which, being true, cannot be exchanged by a philosopher, a lover of the truth, with a teaching which he must consider untrue (e. g. the teaching that God is a lawgiver). It does seem that the religion of the philosophers is identical with, or at least partly consists of, the exoteric teaching of the philosophers.<sup>76</sup> Regarding that exoteric teaching, we learn from the scholar why it is exoteric and for what purpose it is necessary. It is exoteric because of the rhetorical, dialectical or sophistical character of some of the arguments supporting it; it is, at best, a likely tale. And the essential purpose of any exoteric teaching is "government" of the lower by the higher, and hence in particular the guidance of political communities.<sup>77</sup> It is from here that we understand why the scholar speaks of "the religion to which speculation leads" although there were apparently as many religions of that kind as there were philosophic sects: differences between philosophers as regards the exoteric teaching do not imply a fundamental difference between them; in fact, the admission of the possibility, and necessity, of an exoteric teaching presupposes agreement concerning the most fundamental point.<sup>78</sup>

Before the scholar actually uses for the first time the term "rational *nomoi*," he makes us understand in which sense the

of the philosophers and the variable "religions", one of the latter being the religion of the philosophers. The scholar supplies us with the additional information that "beliefs" are an integral part of the philosophers' religion. Evidently the philosopher and the scholar do not understand by "belief" the same thing. As regards the ambiguity of "belief", cf. Maimonides, *Guide*, I 50. — Cf. also note 25 above.

<sup>76</sup> Cf. p. 63 f. above.

<sup>77</sup> Just as "the rational *nomoi*" may designate either political codes or the *regimen solitarii*, the exoteric teaching embodied in such *nomoi* may be in the service either of political government and hence be addressed to citizens as citizens, or of the (highest form of the) rule of reason over the passions, i. e. of the philosophic life, and hence be addressed to potential philosophers. The most outstanding example of the latter type of exoteric teaching is to be found in Plato's *Phaedo*.

<sup>78</sup> Cf. I 13 with 62.

rational *nomoi* might be called rational. For they are evidently not rational *simpliciter*. When speaking of the rational faculty of man, he states that by the exercise of that faculty "governments" and "governmental *nomoi*" come into being. What he calls in his context "reason," is evidently practical reason only.<sup>79</sup> It is with a view to their provenience from practical reason that the (good) laws of political communities — the (just) positive laws —, as well as any other sound rules of conduct can be called rational.<sup>80</sup> Now, the legislator may supplement the purely political laws, the "governmental *nomoi*," with a "governmental religion,"<sup>81</sup> in order to strengthen the people's willingness to obey the purely political laws; that religion would not be rational at all from the point of view of theoretical reason, because its tenets are bound to be based on arguments of doubtful validity; yet it may rightly be called rational from the point of view of practical reason, because its tenets are of evident usefulness.

The scholar's first mention of the Law of Reason occurs considerable time after he had convinced the king of the truth of the most striking presuppositions, or implications, of the Jewish faith, and thus somewhat shaken his initial doubts.<sup>82</sup> In that situation, the scholar contrasts first the right approach to God which is based on "Divine knowledge . . . proceeding from God" with the wrong approach by means of "syllogism" and "thinking" as it is taken by astrologers and makers of talismans; he makes it clear that the wrong approach is the basis of the pre-Mosaic "astrological and physical *nomoi*" whose very variety seems to prove their illegitimacy. It is in this context that he contrasts the *nomos* which is of Divine origin with "the rational

<sup>79</sup> I 35. Cf. V 12 (318, 20 f.). In the former passage in which he speaks in his own name, the scholar "forgets", i. e. tacitly disregards, theoretical reason altogether by tacitly identifying reason with practical reason; in the latter passage, in which he summarizes the philosophers' views, he speaks explicitly of the difference between theoretical and practical reason. (Cf. note 14 above).

<sup>80</sup> Cf. *Eth. Nic.* 1180a21 f.

<sup>81</sup> Cf. I 13 with Maimonides' commentary on *Aboda zara* IV 7 (ed. Wiener p. 27) and Falkera, *Sefer ha-mebakkesh*, ed. Amsterdam 1779, 29b.

<sup>82</sup> Cf. I 48, 52 and 58 with the preceding statements of the Kuzari; cf. more-over I 76, 62 and 60.

*nomoi*" which are of human origin.<sup>83</sup> As far as "*nomos*" and "religion" are used in that context synonymously, one may say that the scholar repeats his initial confrontation of the syllogistic religion with revealed religion. But the repetition is not an identical reproduction: he no longer ascribes the syllogistic religion to philosophers, but to astrologers and other types of superstitious people, and he does not mention its political character. It may be added in passing that in the scholar's initial remark concerning the syllogistic religion, that religion was not called a *nomos* or a law, and its provenience from the philosophers was merely implied. Whatever this may mean, the scholar seems to admit two kinds of syllogistic religion or of rational *nomoi*: one being the work of philosophers,<sup>84</sup> and the other being the work of superstitious people. In fact, it is with a view to the latter rather than to the former, that he uses for the first time the term "rational *nomoi*."<sup>85</sup>

Halevi, or the Jewish scholar, was not the only medieval writer who asserted an affinity between works such as Plato's *Laws* and books regulating, or dealing with, superstitious practices: a book called by some "Plato's *Nomoi*" which deals with witchcraft, alchemy etc., is still extant.<sup>86</sup> From the point of view of Halevi, or of any adherent of any revealed religion, Plato's *Laws* and superstitious *nomoi* would naturally belong to one and the same genus: the genus of *nomoi* of human origin. As far as the rational *nomoi* are the same thing as the syllogistic religion, we have to describe the genus embracing works such as Plato's *Laws* as well as the superstitious *nomoi* more precisely as that of such codes as are of human origin and as consist partly

<sup>83</sup> I 81 and 79 (32, 15-21 and 34, 6-8). Cf. I 80, 97 (46, 24 ff. and 50, 7-10), 98; II 16 (82, 11 f.) and 56 (116, 14-16).

<sup>84</sup> At the beginning of I 97 and at the end of I 99, in contexts similar to that of I 81, the philosophers are explicitly referred to.

<sup>85</sup> From II 20 (88, 10-13) which is the most direct parallel to I 81, it appears that the *nomoi* which the scholar contrasts with the true *nomos*, are those of the Persians, Hindus and Greeks. Cf. also V 2 beg.

<sup>86</sup> Cf. M. Steinschneider, "Zur pseudepigraphischen Literatur des Mittelalters", *Wissenschaftliche Blätter*, Berlin 1862, 51 ff., and *Die arabischen Uebersetzungen aus dem Griechischen*, 19.

or wholly of rules regulating religious beliefs or actions; and we have to distinguish two species of that genus: one which places the main emphasis on ceremonial or magical practices (the superstitious *nomoi*), and another which does not place too strong an emphasis on them (the *nomoi* composed by the philosophers).<sup>87</sup> The codes of both kinds are called rational, because they are the work of practical reason. Of the superstitious "books of the astrologers," the scholar mentions one by name, *The Nabataean Agriculture*, to which he seems to ascribe Hindu origin; and of the Hindus he says in that context that they are people who deny Divine revelation (the existence of a "book from God").<sup>88</sup> The affinity of the philosophic *nomoi* and of at least some of the superstitious *nomoi* is then not limited to the human origin and the religious intention of both; both species of literature have moreover in common that their authors explicitly deny Divine revelation. And, last but not least, the possibility is by no means excluded that the originators of some of the superstitious practices or beliefs, and hence perhaps the authors of some of the superstitious codes, were themselves philosophers addressing the multitude.<sup>89</sup>

For a more adequate understanding of the relation between rational *nomoi* composed by philosophers and superstitious rational *nomoi*, recourse should be had to Maimonides' *Guide*. According to Maimonides, the *Nabataean Agriculture* is the most important document of the Sabeian literature. The Sabians were people of extreme ignorance and as remote from philosophy as possible. They were given to all sorts of superstitious practices (idolatry, talismans, witchcraft). There existed "*nomoi* of the Sabians" which were closely related to their "religion," and their "delirious follies" represented, just as "the *nomoi* of the

<sup>87</sup> See O. Apelt's index to his German translation of Plato's *Laws* s. vv. *Delphi, Feste, Gebet, Gott, Grab, Opfer, Priester, Reinigung, Wahrsager*, etc.

<sup>88</sup> I 79 (32, 19 f.) and 61. As regards the influence of Hindu literature on Ibn Wahshiyya, the author of the *Nabatean Agriculture*, cf. Bettina Strauss, "Das Giftbuch des Šânâq", *Quellen und Studien zur Geschichte der Naturwissenschaften und der Medizin*, IV, Berlin 1934, 116 f. Cf. note 34 above.

<sup>89</sup> Cf. I 97 beg. (46, 24-48, 4) and III 53 (204, 9-15). Cf. Avicenna, *De anima* . . ., tr. by Alpagus, Venice 1546, 60b-61a.



Greeks," forms of "political guidance."<sup>90</sup> They did not hesitate to assert the reality of the most strange things which are "impossible by nature." Thus one might be tempted to ascribe to them an extreme credulity with regard to miracles.<sup>91</sup> Yet, as Maimonides does not fail to point out, their willingness to assert the reality of the most strange things which are "impossible by nature," is itself very strange; for they believed in the eternity of the world, i. e. they agreed with the philosophers over against the adherents of revelation as regards the crucial question.<sup>92</sup> Those who follow this trend of the argument up to its necessary conclusion, are not surprised to read in Maimonides' *Treatise on Resurrection*, the most authentic commentary on the *Guide*, that the Sabeans inferred from the eternity of the world the impossibility of miracles, and that they were far indeed from any credulity as regards miracles: it was their radical unbelief as regards miracles which induced God to postpone the announcement of the future miracle of resurrection until a long time after the Sinaitic revelation, i. e. until the belief in miracles had firmly taken root in the minds of men.<sup>93</sup> In accordance with this, Maimonides indicates in the *Guide* that the author of the *Nabatean Agriculture* presented his ridiculous nonsense in order to cast doubt on the Biblical miracles, and, in particular that some of the stories contained in that work serve the purpose of suggesting that the Biblical miracles were performed by means of tricks.<sup>94</sup> It is certainly not difficult to understand why a man who denies miracles, should collect Sabeian information about natural happenings more marvellous than the most impressive Biblical miracles. It is perhaps not absurd to wonder whether books such as the *Nabatean Agriculture* were written, not by simple-minded adherents of superstitious creeds and practices, but by adherents of the philosophers.<sup>95</sup> It might therefore be

<sup>90</sup> *Guide* III 29 (63a and b, 64b, 66b). Cf. II 39 end.

<sup>91</sup> As regards miracles which are "impossible by nature", cf. Maimonides' *Treatise on Resurrection*, ed. by Finkel, pp. 34-36 and 27-30.

<sup>92</sup> III 29 (63a). Cf. III 25 end.

<sup>93</sup> *Resurrection*, pp. 31-33.

<sup>94</sup> III 29 (65a).

<sup>95</sup> Accordingly, at least a part of the "Sabeian" literature would be comparable as regards both tendency and procedure to Ibn Ar-Râwandî's account

rash to brush aside without any further discussion, the suspicion that at least some of the superstitious *nomoi*, and of the apparently superstitious interpretations of such *nomoi*, were rational, not so much from the point of view of practical reason, as from that of theoretical reason. The same would hold true *mutatis mutandis* of the rational *nomoi* composed by the philosophers in so far as they served the purpose of undermining the belief in Divine legislation proper.<sup>96</sup> However this may be, Maimonides opens his exposition of Sabeanism with the statement that the Sabeans identified God with the stars or, more precisely, with the heavens.<sup>97</sup> That is to say: the basic tenet of the Sabeans is identical with what adherents of Avicenna declared to be the basic tenet of Avicenna's esoteric teaching, *viz.* the identification of God with the heavenly bodies. Avicenna's esoteric teaching was expounded in his *Oriental Philosophy*, and he is said to have called that teaching "oriental," because it is identical with the view of "the people of the Orient."<sup>98</sup>

#### IV. THE LAW OF REASON AS THE FRAMEWORK OF EVERY CODE

The scholar's first approving mention of the Law of Reason occurs some time after the king had joined the Jewish community and begun to study the Torah and the books of the prophets.

of the Brahmanes (cf. Paul Kraus, "Beiträge zur islamischen Ketzergeschichte", *Rivista degli Studi Orientali*, XIV, 1934, 341-357). The Sabeans and the Brahmanes are mentioned together in *Kuzari* II 33; cf. I 61. Maimonides states that the Hindus are remnants of the Sabeans: *Guide* III 29 (62b, 63a, 65a) and 46 (101b).

<sup>96</sup> Compare Plato's discussion of the Divine origin of the laws of Minos and Lycurgus in the first book of the *Laws*.

<sup>97</sup> *Guide* III 29 (62a-b). Note in particular on p. 62b bottom the distinction between "all Sabeans" and "the philosophers" of the Sabeian period: only the latter identified God with the spirit of the celestial sphere; the large majority evidently identified God with the body of the celestial sphere. Cf. *Mishneh Torah*, H. 'Abodah zarah I 2 (ed. Hyamson 66b 1-7). On the "atheism" of the Sabeans, cf. also *Guide* III 45 (98b-99a).

<sup>98</sup> Averroes, *Tahâfut al-tahâfut*, X (ed. by M. Bouyges, Beyrouth 1930, 421). Cf. *Kuzari* IV 25 (282, 1 f.). — Maimonides touches upon the oriental orientation of the Sabeans, as opposed to the occidental orientation of Abraham and his followers, in *Guide* III 45 (98a).

The scholar, answering "Hebraic questions"<sup>99</sup> of the king, had explained to him the superiority of Israel to the other nations. The king is on the whole convinced; but he feels that precisely because of Israel's superiority one should expect to find more monks and ascets among the Jews than among other people. It is in connection with a critique of asceticism and anachoreticism, that the scholar's first and second approving mentions of the Law of Reason occur.<sup>100</sup> That critique is the central part of the critique of philosophy; for it concerns, not this or that set of dogmas of this or that philosophic sect, but the philosophic life itself: the life of contemplation which is essentially asocial and hence anachoretic.<sup>101</sup>

The king had assumed, partly on the basis of such Biblical passages as Deuteronomy 10:12 and Micah 6:8, that the right way of approaching God consists in humility, self-mortification and justice as such, or, to make full use of the Biblical passages which are alluded to rather than quoted by him, that it consists in fearing God, in walking in His ways, in loving Him and in serving Him with all one's heart and all one's soul, in doing justly, in loving mercy and in walking humbly with God.<sup>102</sup> The scholar's answer runs as follows: "These and similar things are the rational *nomoi*; they are the preamble and the introduction to the Divine law, they are prior to it in nature and in time, they are indispensable for the government of any human community whatsoever; even a community of robbers cannot dispense with the obligation to justice in their mutual relations: otherwise their association would not last." He understands then by rational *nomoi* the sum of rules which describe the indispensable minimum of morality required for the preservation of any society. He considers their relation to any society comparable to the relation of such "natural things" as food, drink, movement, rest, sleep and waking to the individual:<sup>103</sup> one is tempted

<sup>99</sup> II 1 *vers. fin.* Cf. II 81.

<sup>100</sup> Cf. II 48 with 45 and 50 beginning, and III 7 with 1-17.

<sup>101</sup> Cf. note 63 above.

<sup>102</sup> The king merely quotes the following: "What doth the Lord thy God require of thee, but to fear the Lord thy God and so forth" and "What doth the Lord require of thee." In Ibn Tibbon's translation the following words of Micah's are added: "but to do justly and to love mercy."

to say that he considers the rational *nomoi* as *iura quasi naturalia*.<sup>103a</sup> In the second approving mention of the rational *nomoi* which occurs some time after the conclusion of the discussion of the "Hebraic questions," he adds the remark that the rational *nomoi* are known independently of revelation as regards their substance, but not as regards their measure: the precise specialisation of these evidently very general rules is beyond the power of man.<sup>104</sup> By linking together the two remarks, we are led to think that the rational *nomoi* of which the scholar approves, are but the framework of any code, and not a code.

In his first statement on the question, the scholar calls the rational *nomoi* also "the rational and governmental laws," "the laws which (even) the smallest and lowest community observes," "the governmental and rational law," "the rational law," "the rational (laws)." In that context, he uses the term "*nomoi*" once only and he substitutes for it consistently "laws" or "law." By this, he indicates that he is following the kalâm rather than philosophy. For it is in accordance with the kalâm-tradition that he contrasts what he almost calls "the rational laws" with what he almost calls "the revealed laws." Deviating from that tradition however, he does not use these terms without qualification.<sup>105</sup> This procedure is not surprising since he is a mutakallim indeed, but not a typical mutakallim,<sup>106</sup> and since he does not ascribe his peculiar use of the terms in question either to the mutakallimûn or the philosophers. Nor is it surprising that he, being a mutakallim, seems to include duties toward God among

<sup>103</sup> II 48.

<sup>103a</sup> They are not natural precisely because they are *nomoi*.

<sup>104</sup> III 7. Cf. Saadya, *K. al-amânât*, III, ed. by Landauer, 119.

<sup>105</sup> Whereas the usual kalâm-term is "revealed laws", the scholar speaks first of "the Divine and revealed laws", then of "the Divine law", and finally of "the laws." (II 48. He does not speak any more of "revealed laws" in the two later statements, III 7 and 11.) Whereas the kalâm-terminology implies that the Divine law as a whole consists of rational and revealed laws, the scholar considers the rational laws as preparatory to, and hence outside of, the Divine law: he insists on the independence of the rational laws with regard to the Divine law. — Cf. the mention of "revealed laws" in IV 13 end and the allusion to them in III 60.

<sup>106</sup> See p. 51 f. above.

the "rational laws." What does surprise us is, first, that he seems to include the most sublime religious obligations (to fear God, to love Him with all one's soul, and to walk humbly with Him) among those minimum obligations which even the smallest and lowest society performs as necessarily, or almost as necessarily, as every individual eats, drinks and sleeps; and, second, that by using the terms "rational *nomoi*" and "rational laws" synonymously, he seems to identify the rational *nomoi*, or the syllogistic religion, of which he had so definitely disapproved prior to the conversion of the king, with the rational laws, or the rational commandments which are the framework of the Biblical code as well as of any other code. The first difficulty concerns the content of the Law of Reason as the framework of any code; the second difficulty concerns the apparently close relation between that framework of any code and the complete code elaborated by the philosophers.

Do duties toward God belong to the moral minimum required of any society however low?<sup>107</sup> In the first statement on the subject, the scholar adduces as examples of the rational *nomoi*, or the rational and governmental laws, the following points in this illuminating order which anticipates explanations given later on: "justice, goodness and recognition of God's grace," "justice and recognition of God's grace," and "to do justly and to love mercy."<sup>108</sup> When speaking explicitly of the community of robbers, he mentions the obligation to justice only, while when speaking of the smallest and lowest community, he mentions justice, goodness and recognition of God's grace. In his second statement, he does not mention any duties toward God among the "governmental actions and rational *nomoi*" or "governmental and rational (*nomoi* or actions)" as distinguished from the "Divine (*nomoi* or actions)." In a third statement, in which

<sup>107</sup> The scholar's answer to this question cannot be established by reference to the seven Noahic commandments; for, as he intimates in I 83 (36, 17-20), i. e. shortly after his first mention of the rational *nomoi* (in I 81), he considers the Noahic commandments as "inherited", and hence as not merely rational (cf. I 65). Cf. also III 73 near the beginning with II 48, III 7 and 11. The same applies to the Decalogue, "the mothers and roots of the laws"; cf. I 87 (38, 19 f.), II 28 and IV 11 beginning with II 48, III 7 and 11.

<sup>108</sup> Cf. also n. 128 below.

he does not as much as allude to rational *nomoi* or rational laws, he distinguishes between Divine laws, governmental laws and psychic laws; he does not mention any duties toward God among the governmental laws, whereas the Divine and the psychic laws are concerned exclusively with such duties.<sup>109</sup> The crucial question which was left open in the first statement is not decided in the two later statements, since nothing is said in them as to whether the "governmental actions and rational *nomoi*" or the "governmental laws" which do not appear to include duties toward God, exhaust the indispensable and unchangeable minimum of morality required of any society.<sup>110</sup>

Under the circumstances one can hardly do more than to discuss the alternatives. But even this is not quite easy, since the scholar's statements are of a strange elusiveness. This applies not merely to the question as to whether religion belongs to the minimum of morality required of any society, or to the *iura naturalia*, but likewise to the question as to whether the *iura naturalia* can be called rational. For the alternative that religion is not essential to society as such is closely linked in his argument with the thesis that the *iura naturalia* are not rational, and *vice versa*.<sup>111</sup> The connection between the two

<sup>109</sup> II 48, III 7 and 11 (152, 9–154, 24). These three passages will be referred to on the following pages as the first, second and third (or last) statement respectively. — The distinction between Divine, governmental and psychic laws is akin to that used by Bahya ibn Pakuda between "revealed duties of the limbs", "rational duties of the limbs", and "duties of the heart." The Divine laws are practically identical with the ceremonial laws; the most important examples of the psychic laws are the first three commandments of the Decalogue.

<sup>110</sup> In the middle of the first statement, the scholar seems to distinguish "the rational law" whose object is justice and recognition of God's grace, from "the governmental and the rational law" whose object is justice, goodness and recognition of God's grace; thus the specific object of the governmental law as such would be "goodness." (As regards the close relation between "goodness" and "city", cf. III 2–3). The second and third statement contain an interpretation of this implication.

<sup>111</sup> The thesis that religion is not essential to society, means that the *iura naturalia* are identical with the non-revealed governmental laws; now, one cannot establish the precise meaning of the non-revealed governmental laws, if one does not assume that the non-revealed governmental laws are not identical with the rational *nomoi*, and hence that the former are not rational laws.

questions is as close as that between religion as such and morality as such.

The scholar's embarrassment can easily be accounted for. To deny that religion is essential to society, is difficult for a man of Halevi's piety, and, we venture to add, for anyone who puts any trust in the accumulated experience of the human race. To assert it, would amount to ascribing some value even to the most abominable idolatrous religion; for the proverbial gang of robbers, or the lowest and smallest community, cannot be supposed to adhere to the one true religion or to any of its imitations. From his point of view, it is, I believe, impossible to decide the question as to whether the denial, not accompanied by the assertion of the existence of any other deity, of the existence, say, of Moloch is better or worse than a living faith in Moloch.<sup>112</sup> This embarrassment arises from the fact that he raises at all the philosophic question of the basis of any and every society; but this could hardly be avoided in a conversation with a king who had barely ceased to be a pagan. Or, to disregard for one moment the conversational setting, the defence of religion by means of argument is, as Halevi himself does not fail to indicate, not without danger to unadulterated faith.<sup>113</sup>

The very term "governmental laws" indicates that the group of laws which it designates, is more directly connected with government, and in particular with political government, than are the other groups: the governmental laws by themselves seem to be the indispensable moral minimum of any government, or the evidently necessary and sufficient, and the always identical, framework of both the many man-made codes and the one Divine code. In order to grasp more clearly the purport of the governmental laws which, be it said, occupy the central place in the last statement,<sup>114</sup> one has to overcome this difficulty. Precisely the last statement which is the only one to deal unambiguously with governmental laws, does not deal unambigu-

<sup>112</sup> Cf. also the elusive handling of the question as to whether Islam or philosophy are preferable in IV 12 f.

<sup>113</sup> Cf. p. 62 f. above.

<sup>114</sup> The last statement is the only one of the three in which an odd number of groups of laws are mentioned.

ously with their non-revealed elements, for it deals with the governmental laws as contained in the Divine code without distinguishing between their revealed and their non-revealed elements. On the other hand, the second statement, in which the scholar does distinguish between laws known by revelation only and laws known independently of revelation, deals with "governmental actions and rational *nomoi*" without distinguishing between governmental laws and rational *nomoi*; and the distinction, made in the last statement, between governmental laws and psychic laws, leads one to suspect a corresponding, although by no means identical, distinction between governmental laws and rational *nomoi*.<sup>115</sup> To find out which unambiguously governmental laws are considered by the scholar to be known independently of revelation, one has to compare the second and the third statement: laws occurring in the second statement under the heading "governmental actions and rational *nomoi*" as well as in the third statement under the heading "governmental laws" are without any doubt such governmental laws as are known independently of revelation.

The scholar mentions among the governmental and rational *nomoi* which are known independently of revelation, the duty to train one's soul by means of fasting and humility, whereas he does not mention it among the governmental laws of the Divine code; by this he seems to indicate that that duty does not belong to the *iura naturalia*; this is not surprising, since it is fairly absurd to imagine a gang of robbers training their souls by means of fasting and humility in order to guarantee the preservation of their gang. On the other hand, he mentions among the governmental laws of the Divine code the prohibition

<sup>115</sup> The psychic laws are not rational laws; for they direct man toward God as legislator and judge, and God as legislator and judge is not known to unassisted human reason; cf. III 11 (154, 5 ff.) with IV 3 (228, 18 ff.) and 16. To assert the rationality of the psychic laws because of II 47 f., would amount to asserting that even a gang of robbers cannot dispense with belief in, fear of, and love to, the God of Abraham as distinguished from the God of Aristotle. — Ibn Tibbon adds to "psychic laws" "and they are the philosophic laws"; this addition is either based on a complete misunderstanding of the author's intentions, or else it is meant as a hint which I for one have not been able to grasp.



against murder e. g., while he does not mention it among the governmental and rational *nomoi* which are known independently of revelation; this again is easily understandable considering that the Bible prohibits murder absolutely, whereas a gang of robbers e. g. would merely have to prohibit the murder of other members of the gang. This explains also why he mentions in both enumerations the prohibition against deceit or lying; for the Bible itself speaks on the occasion of that prohibition merely of the neighbour.<sup>116</sup> He mentions in both enumerations the duty to honour one's parents: "the household is the primary part of the city."<sup>117</sup> Or, if we follow the hint supplied by Ibn Tibbon's translation, we have to say — and this seems to be preferable —, that he mentions among the governmental laws of the Bible the commandment to honour father and mother, and among the governmental laws known independently of revelation the duty to honour "the fathers," understanding "fathers" probably also in the metaphoric sense of "adviser" or "teacher";<sup>118</sup> accordingly, he would signify that even a gang of robbers cannot last if they do not respect those of their fellows who are their intellectual superiors. To sum up: the *iura naturalia* are really not more than the indispensable and unchangeable minimum of morality required for the bare existence of any society.<sup>119</sup>

The foregoing remarks are based on the distinction between governmental laws and rational *nomoi*, and hence on the assumption, forced upon us by the trend of the argument, that the

<sup>116</sup> The prohibition against deceit occupies the central place in the enumeration in III 7, and, probably, also in the enumeration of the governmental laws in III 11, i e. if one counts each item as a law by itself ("honouring the father" and "honouring the mother" e. g. as two distinct laws; cf. n. 118 below).

<sup>117</sup> Maimonides, *Guide*, III 41 (90b) in a discussion of similar Biblical commandments.

<sup>118</sup> "Honouring the parents is a duty" (III 7); "is a duty" is missing in the original; besides, Ibn Tibbon translates *האבות* by *אלוהאבות*.

<sup>119</sup> A more explicit presentation of this "low" view of the natural law occurs in Joseph Albo's *Ikkarim*, I 7. Cf. Julius Guttmann's critical remarks on Saadya's and others' failure to distinguish between "juridical norms of a purely technical nature" and "moral norms" (*Die Philosophie des Judentums*, Munich 1933, 80 f.).

(non-revealed) governmental laws cannot be called, in the last analysis, rational laws.<sup>120</sup> This assumption can be justified by a number of reasons. The term "rational laws" has a clear meaning, as long as the rational laws are contrasted with Divinely revealed, or supra-rational, laws; but it ceases to be clear if it is used for distinguishing such different groups of non-revealed laws as are natural laws and civil laws e. g.; for all laws which deserve that name, are the work of reason<sup>121</sup> and hence rational: a law solving justly a problem which exists in a given country at a given time only, is not less rational, it is in a sense more rational, than a law valid in all countries at all times. Moreover, if universal validity is taken as an unambiguous sign of rationality, the answer is obvious that not a single of those most universal laws which the scholar mentions among the non-revealed governmental laws, is truly universally valid:<sup>122</sup> almost all men admit that one may deceive a potential murderer as to the whereabouts of his potential victim. Finally, it is doubtful whether one may call rational in an emphatic sense such laws as are not, as such, directed toward the perfection of man as man; now, the governmental laws are, as such, directed toward man's physical well-being only and do not pay any attention to the well-being of his soul.<sup>123</sup>

We have now disentangled the following view of the *iura naturalia*: they do not comprise any duties toward God,<sup>124</sup> they do not go beyond delimiting the essential elements of any "Bin-

<sup>120</sup> Maimonides (*Eight Chapters*, VI) mentions among those laws which are erroneously called by the mutakallimûn rational laws and which ought to be called generally accepted laws, such laws only as would be called by Halevi governmental laws; i. e., deviating from his talmudic source (b. Yoma 67b), he does not mention among them any duties toward God. Cf. also note 136 below.

<sup>121</sup> I 35. Cf. *Eth. Nic.* 1180a12 f.

<sup>122</sup> Cf. IV 19.

<sup>123</sup> Cf. Maimonides, *Guide*, II 40 (86b) on the governmental codes.

<sup>124</sup> Cf. Thomas Aquinas, *Summa Theologica*, 1 2, quaest. 104., art. 1.: "praeceptorum cujuscumque legis quaedam habent vim obligandi ex ipso dictamine rationis, . . . et hujusmodi praecepta dicuntur moralia . . . . etiam in his quae ordinant ad Deum, quaedam sunt moralia, quae ipsa ratio *fide informata* dictat, sicut Deum esse amandum et colendum."

nenmoral," and they cannot be called rational. We shall call this view the philosophic view.<sup>125</sup> It is certainly not the kalâm-view. And it might seem as if would suffice to state it explicitly in order to prove that the scholar, this atypical mutakallim, cannot have accepted it, although it is one alternative interpretation of his statements. What one can say with certainty is that he virtually rejects the first of the reasons which we mentioned in the preceding paragraph. But this merely leads to a new difficulty.

In the central statement, the scholar makes it clear that the outline supplied by the *iura naturalia* which are known independently of revelation, cannot be filled in adequately but by God alone; he thus seems to admit that the distinction between rational and non-rational (revealed) laws is legitimate. The remark referred to implies however that even a merely governmental code, if it is to be good for the community, must be the work of revelation. Since no society however low or small can last if it does not observe the *iura naturalia*, and since these rules must be determined precisely by Divine revelation in order to become good for the community, i. e. in order to become applicable at all, we are driven to the conclusion that no society which is not ruled by a revealed code, can last, or, that not only religion, but revealed religion, is essential for the lasting of any society. This conclusion is not completely surprising: according to the scholar, only the Jewish nation is eternal, all other nations are perishable; all other nations are dead, only the Jewish nation is living.<sup>126</sup>

To find our way back from his ultimate answer to his explanation of how a society can humanly speaking be lasting, we have to recall the connection between the assertions that the *iura naturalia* are rational, and that religion belongs to these *iura naturalia*: by accepting the first of these assertions, he must have accepted, if with some hesitation, the second as well. We shall then say that, according to him, the rational *iura naturalia* are not exhausted by the non-revealed governmental laws as described above, but that they include what may be called the

<sup>125</sup> Cf. p. 47 ff. and notes 120 ff. above.

<sup>126</sup> II 32-34; III 9-10; IV 3 (230, 12-20) and 23.

demands of natural piety<sup>127</sup> as well. Unassisted reason is able to perceive that without religious beliefs and actions no society whatsoever can last, but reason is unable to determine the right kind of such actions and beliefs: specific laws concerning religious actions and beliefs are, as all specific laws are, either supra-rational and hence good, or else irrational and hence bad. Reason when perceiving the necessity of religion tries to satisfy that need by devising a syllogistic-governmental religion of one kind or another; in this way, the rational *nomoi* disposed of in the first *makâla*, come into being. In contradistinction to these rational *nomoi* which are complete codes, the rational *nomoi* which are merely the framework of any code, be it man-made or revealed, are legitimate. Although this interpretation comes nearer than anything else I can think of, to the scholar's profession of faith, it remains exposed to the difficulties which have been indicated.<sup>128</sup>

What has been said about the close connection, in the scholar's argument, between the assertions that religion is essential to society and that the moral minimum of social life can be called "the rational laws," must not be understood to mean that these two assertions are altogether inseparable. The philosophers would not have devised governmental religions in addition to the governmental laws, if they had not admitted the social necessity of religion. On the other hand, nothing said, or implied, by the scholar would justify us in distrusting our initial impression that the philosophers denied the rational character of the *iura naturalia*.

<sup>127</sup> How little definite as regards the object of worship these demands are, can be seen from IV 15 and IV 1-3.

<sup>128</sup> According to the first two statements (I 1 and 81), the rational *nomoi* are religious codes, either the religion of the philosophers or ordinary pagan codes. According to the third statement (II 48), the rational *nomoi* probably contain duties toward God. According to the fourth statement (III 7), the rational *nomoi* almost certainly do not contain duties toward God. According to the fifth statement (III 11), the governmental laws are clearly distinguished from the Divine and the psychic laws, i. e. from the laws regulating religion. According to the sixth statement (IV 19), the philosophers' *nomoi* are clearly distinguished from the philosophers' (esoteric) religion which is "assimilation to God", i. e. to the God of Aristotle. The final statement (V 14) is completely silent on the subject.

## V. THE LAW OF REASON AND THE NATURAL LAW

The scholar uses one and the same term "rational *nomoi*" first for designating the man-made pagan codes, of which he thoroughly disapproves, and then for designating rules akin to the "rational laws," the "rational commandments" in the sense of the *kalâm*, or for the framework of every code, of which he naturally approves. Nothing would have been easier for him than to use two different terms for these two so greatly different things. Considering the gravity of the subject, his failure to do so cannot be due to carelessness. His strange and perplexing usage compels us to raise the question as to how complete codes, which are utterly irreconcilable with the Divine code, can be interpreted in such a way as to become identical with the framework of every code, and hence of the Divine code in particular. As far as the answer to this question cannot possibly be borne out by an explicit statement of the scholar, or of the author, it will of necessity be hypothetical. To clarify the issue, we shall avoid as far as possible the ambiguous term "rational *nomoi*": we shall call the complete codes in question the Law of Reason, and the framework of every code the Natural Law.

It is evidently impossible to identify the Law of Reason in the full sense of the term<sup>129</sup> with the Natural Law. The scholar must therefore have distinguished between the religiously neutral core of the Law of Reason and its pagan periphery,<sup>130</sup> and

<sup>129</sup> That is to say: the "rational" (practically wise) presentation of the "rational" (theoretical-demonstrative) teaching which, according to the philosophers whom Halevi has in mind, is a refutation of the teaching of the revealed religions.

<sup>130</sup> The scholar alludes to the distinction between the Law of Reason proper and the religion of the philosophers when he first mentions the *nomoi* which are set up by the philosophers — he does this shortly before giving his summary explanation of the *Sefer Yeşirah* (cf. note 70 above)—. In that context he states that these *nomoi* are "governments" of a certain kind (IV 19), *viz.* they are rules of conduct of a certain kind — and nothing else. This explanation of "nomoi" is indispensable because the term might designate, and did in fact designate in some earlier passages of the *Kuzari*, those rules of conduct plus the man-made or governmental religion, or even the governmental religion by itself. Cf. p. 77 f. above with I 1 and 79 (34, 8). Gersonides, *Milhamot hashem*, Introd., ed. Leipzig 1866, p. 7, says that "the Torah is not a *nomos*

he must have identified its core only with the Natural Law. We assume that the Law of Reason is primarily the sum of rules of conduct which the philosopher has to observe in order to become capable, and to be capable, of contemplation. These rules are addressed to the philosopher as such without any regard to place and time; hence they cannot but be very general in character: their application in given circumstances is left to the discretion of the individual philosopher; they are, as it were, the framework of all private codes of all individual philosophers. The way in which these general rules are applied in the individual case, depends considerably on the character of the society in which the individual philosopher happens to live: that society may be favorable or unfavorable to philosophy and philosophers. In case the given society is hostile to philosophy, the Law of Reason advises the philosopher either to leave that society and to search for another society, or else to try to lead his fellows gradually toward a more reasonable attitude,<sup>131</sup> i. e. for the time being to adapt his conduct, as far as necessary, to the requirements of that society: what at first glance appears to be a repudiation of the Law of Reason in favor of another rule of life, proves on closer investigation to be one form of observing the very Law of Reason.<sup>132</sup> The Law of Reason is then not indissolubly bound up with any particular form of society, with that form e. g. which is sketched in Plato's *Laws*, the rational laws *par excellence*. As a matter of principle, contemplation requires withdrawal from society. Therefore, the Law of Reason is primarily the sum of rules of conduct of the philosophizing hermit, the *regimen solitarii*.<sup>133</sup> It is best illustrated by the advice to train one's soul

compelling us to believe untrue things." Cf. also Falkera, *Sefer ha-mebaqqesh*, ed. Amsterdam 1779, 29 b and 38a-b, and the promiscuous use of "lex", "lex divina" and "secta" in Marsilius' *Defensor Pacis*, Dictio I., c. 5., § 10 f.

<sup>131</sup> Cf. Fârâbi's account of Plato's *Republic* on the one hand, of his *Letters* on the other in his treatise on Plato's philosophy (the Hebrew translation in Falkera's *Reshit Hokmah*, 76 ff.).

<sup>132</sup> Cf. pp. 69 ff. and 74 f. above.

<sup>133</sup> The philosopher when speaking of the rational *nomoi*, does not mention any social relations (cf. p. 70 above). Halevi intimates that a life guided by the rational *nomoi* alone, would be an anachoretic life (cf. p. 81 above). The scholar states that the rational *nomoi* by themselves are not sufficient for the

by means of fasting and humility, and its content, as distinguished from its purpose which is assimilation to God, or contemplation, can be reduced to the formula "purity of the soul": as distinguished from any social or political law, it regulates "the soul", "the intention", the basic attitude of the philosopher rather than any action, anything corporeal.<sup>134</sup> Naturally, the solitary character of the philosophic life must be understood intelligently, it must be understood *cum grano salis*: Socrates, the model of the philosophic life, loved the company of his pupils,<sup>135</sup> and he had to live together with people who were not, and could not become, his pupils. Hence, the Law of Reason must be supplemented with, or, rather, it comprises, rules of social conduct. It is this social, or governmental, part of the Law of Reason which the scholar calls the Law of Reason and which he identifies with the Natural Law: the rational *nomoi* which he accepts, are purely governmental.<sup>136</sup> He acts as if he

right guidance of society, and thus implies that they are sufficient for the right guidance of the individual; cf. III 7 (150, 1-4). Consider also the two-fold meaning of *siyāsa* ("government"); see above note 72.

<sup>134</sup> Cf. III 7 beginning: "governmental actions and rational [intellectual] *nomoi*" with the distinction between "practica" and "intellectualia" in III 65 (214, 28). Cf. p. 86 above.

<sup>135</sup> III 1 (140, 13-16).

<sup>136</sup> II 48 beginning. The philosophers would not call the governmental part of the Law of Reason rational (cf. p. 88 above), but the rules of which that part consists, are rational laws according to the *mutakallimūn*; the scholar, being an atypical *mutakallim*, identifies the rational laws of the *mutakallimūn* with what he calls the Law of Reason, *viz.* the governmental part of the Law of Reason. By way of illustration it may be noted that R. Sheshet ha-Nasi in his brief recommendation of Plato's rational *nomoi* (see A. Marx, *op. cit.*, 424) mentions exclusively such Platonic laws as would be called by the scholar governmental laws. — It is doubtful whether the scholar calls the *nomoi* of the philosophers which are rules of conduct and nothing else, rational *nomoi* (IV 19): the term "rational" does not occur in the original, while it occurs in Ibn Tibbon's translation. Both readings are justifiable, if we assume that when mentioning first the philosophers' *nomoi*, the scholar adopted the philosophers' terminology. If he called them rational, he understood by the *nomoi* of the philosophers the complete Law of Reason (i. e. the *regimen solitarii* including the rules of social conduct). If he failed to call them rational, he understood by the *nomoi* of the philosophers the governmental part of the Law of Reason only. The second alternative is borne out by the context in which a distinction is made between the *nomoi* on the one hand and what

were blind to the non-governmental part of the Law of Reason, or to the aim which it is destined to serve: he deliberately disregards that non-governmental part, or its aim, which is assimilation to "the God of Aristotle."<sup>137</sup> For only its governmental part is "visible", i. e. of interest, to men who are not philosophers or even adversaries of the philosophers. But by identifying the governmental part of the Law of Reason, or what we may call briefly the philosophers' social morality, with the Natural Law, i. e. natural morality, or the framework of every code,<sup>138</sup> he is enabled to shed some light on the latter.

For what are the distinctive features of the social part of the Law of Reason? While philosophy presupposes social life (division of labour), the philosopher has no attachment to society: his soul is elsewhere. Accordingly, the philosopher's rules of social conduct do not go beyond the minimum moral requirements of living together. Besides, from the philosopher's point of view, observation of these rules is not an end in itself, but merely a means toward an end, the ultimate end being contemplation. More precisely, these rules are not obligatory; they are valid, not absolutely, but only in the large majority of cases; they can safely be disregarded in extreme cases, in cases of urgent need;<sup>139</sup> they are rules of "prudence" rather than rules of

appears to be the central part of the philosophers' rule of conduct, *viz.* assimilation to God or morality proper.

<sup>137</sup> One may say that the scholar replaces the non-governmental part of the Law of Reason which regulates man's attitude toward the God of Aristotle, by the psychic laws, i. e. by laws regulating man's attitude toward the God of Abraham. Cf. note 115 above.

<sup>138</sup> Compare Abraham b. Hiyya's attempt to interpret the *regimen solitarii* as the framework of the Divine code: the Decalogue which contains *in nuce* all the commandments of the Torah, is by itself the sufficient rule of conduct for the פרושין, the solitary saints (*Hegyon ha-nefesh*, ed. by Freimann, 35b-38a.) Cf. note 107 above.

<sup>139</sup> IV 19. Cf. p. 68 f. above. — What we learn from IV 19, the first passage in which the scholar mentions the philosophers' *nomoi*, can be summarized as follows: the philosophers' *nomoi* are distinguished from the philosophers' religion (or from the rational *nomoi* as interpreted by the philosopher), they are only a rule of conduct and nothing else; moreover, these rules regulate social conduct and nothing else, they are not obligatory, and they are not rational. (Cf. above notes 128, 130 and 136.)



morality proper. The Natural Law is then a rule of social conduct which is only hypothetically valid and whose addressees are "rugged individualists," men with no inner attachment to society, men who are not—citizens: it is in contrast to the essentially solitary philosopher that the truly good or pious man is called "the guardian of his city", *φύλαξ πόλεως*.<sup>140</sup> It is hardly necessary to add that it is precisely this view of the non-categoric character of the rules of social conduct which permits the philosopher to hold that a man who has become a philosopher, may adhere in his deeds and speeches to a religion to which he does not adhere in his thoughts; it is this view, I say, which is underlying the exotericism of the philosophers.

By calling both the Law of Reason and the Natural Law rational *nomoi*, by thus, as matters stand, identifying that part of the Law of Reason which is relevant to men who are not philosophers, with the Natural Law, the scholar tacitly asserts that the Natural Law is not obligatory<sup>141</sup> and does not command, or presuppose, an inner attachment to society. He accepts, at least within these limits, what may be called the philosophers' view of the Natural Law. But precisely by going so far with the philosophers, does he discover the fundamental weakness of the philosophic position and the deepest reason why philosophy is so enormously dangerous. For if the philosophers are right

<sup>140</sup> Cf. III 2-3 with Avicenna, *Metaphysics*, X 4 beginning and Plato, *Republic*, 414 a-b.

<sup>141</sup> In II 48, the scholar asserts that even a community of robbers cannot dispense with the obligation to justice. Are we then to believe that robbers are more moral than philosophers? The philosophers would not deny that in the large majority of cases the rules of justice are, for all practical purposes, obligatory; the crucial question concerns the crucial cases, the cases of extreme necessity. If even the Torah admits that in the extreme case all governmental laws, with the exception of the prohibitions against murder and in chastity can be transgressed, we are safe in assuming that the community of robbers, and many other communities as well, would drop these two exceptions. (Cf. IV 19 end and III 11 with Maimonides *Mishneh Torah*, H. Yesode ha-torah V). Above all, the philosophers would deny that the rules which are called obligatory by the societies, are in fact obligatory strictly speaking: society has to present to its members certain rules as obligatory in order to supply these rules with that degree of dignity and sanctity which will induce the members of the society to obey them as much as possible.

in their appraisal of natural morality, of morality not based on Divine revelation, natural morality is, strictly speaking, no morality at all: it is hardly distinguishable from the morality essential to the preservation of a gang of robbers. Natural morality being what it is, only a law revealed by the omnipotent and omniscient God and sanctioned by the omniscient and omnipotent God can make possible genuine morality, "categoric imperatives"; only revelation can transform natural man into "the guardian of his city," or, to use the language of the Bible, the guardian of his brother.<sup>142</sup> One has not to be naturally pious, he has merely to have a passionate interest in genuine morality in order to long with all his heart for revelation: moral man as such is the potential believer. Halevi could find a sign for the necessity of the connection between morality and revelation in the fact that the same philosophers who denied the Divine law-giver, denied the obligatory character of what we would call the moral law. In defending Judaism, which, according to him, is the only true revealed religion, against the philosophers, he was conscious of defending morality itself and therewith the cause, not only of Judaism, but of mankind at large. His basic objection to philosophy was then not particularly Jewish, nor even particularly religious, but moral. He has spoken on this subject with a remarkable restraint: not being a fanatic, he did not wish to supply the unscrupulous and the fanatic with weapons which they certainly would have misused. But this restraint cannot deceive the reader about the singleness of his primary and ultimate purpose.

<sup>142</sup> Cf. p. 88 f. above.

THE PASSING OF RABBI BARUCH<sup>†</sup>

- Joel 1,14; 2,15. Why do the people call a solemn assembly?  
Let them alone, for bitter
- II Kings 4,27. Is the soul of all the people.  
The Law is perished from Sinai,  
And they thirst for the word of the Lord,
- Ex. 17,1. But there is no water to give drink to the  
people.
- Ex. 9,3. Lo, the hand of the Lord hath been  
Against the great mountain that was
- I Sam. 9,2. High over all the people.  
The sun and the moon have gone down,  
And heavy cloud is upon the mountain,
- Ex. 19,16. And trembling seizeth all the people.  
The destroying angel hath set his face,  
Hath filled his arms with coals of fire,
- Ezek. 10,2. And hath sprinkled them on the people.  
Ex. 24,8.
- I moan and cry in my burning fire,  
I say unto Fate in the bitterness of my soul:
- Ex. 5,22. Why hast thou dealt ill with this people?
- Job 16,7. Lo, all mine assembly thou madest desolate  
The day thou didst raise to the skies
- Ps. 89,20. One chosen of the people.

<sup>†</sup> According to Harkavy, Rabbi Baruch ben Isaac ben Baruch Albalia. See *Jewish Encyclopedia* I, p. 321.

## הרב ברוך

מה־לָעַם יִקְרָאוּ עֲצָרָה      הַרְפֵּה־לָהֶם כִּי־מָרָה  
נִפְשׁ כָּל־הָעַם:

אֲבָרָה תּוֹרָה מְסִינִי      וַיִּצְמָאוּ לְדַבֵּר אֲדָנִי  
וְאִין מִים לְשִׁתּוֹת הָעַם:

הִנֵּה יַד־אֲדָנִי הַזֹּהֶה      בְּהַר־הַגָּדוֹל אֲשֶׁר הָיָה  
גִּבְתָּהּ מִכָּל־הָעַם:

בָּאוּ שָׁמֶשׁ וְהַסְהַר      וַעֲנַן כְּבֹד עַל־הָהָר  
וַיִּחַרְד כָּל־הָעַם:

מִלְאֹךְ מִשְׁחִית שָׁם פָּנָיו      וּמִלֵּא בְרִשְׁפֵי אֵשׁ הַפָּנָיו  
וַיִּזְרַק עַל־הָעַם:

אֲדָאג וְאֲשָׂאג בְּרוֹם אֲשִׁי      וְאָמַר לְזָמַן בְּמַר נִפְשִׁי  
לָמָּה הִרְעַתָּה לָעַם:

הֵן כָּל־עֲדָתִי הַשְּׂמוֹת      יוֹם לְשַׁחַק הַרִימוֹת  
בְּחֹזֶר מֵעַם:

5

10

- Cease, for thou workest sore destruction  
When thou takest a sword to slay  
Jud. 20.2.       The chiefs of all the people.
- The cloud hath departed from them,  
And the manna hath not come down for them,  
Num. 21.4.       And crushed is the soul of the people.
- Inheriting and bequeathing the law of the  
Judges  
From the seed of the Princes  
Jud. 5.9.       Who gave themselves willingly among the  
people,
- His words shone like the light,  
And his ways were exceeding high  
Isa. 8.11.       So that he could not walk in the way of  
the people.
- II Kings 12.13. Standing to repair the breach,  
Prov. 20.8.     And sitting on a throne of righteousness  
Ex. 18.13.       To judge the people—
- Life was the fruit of his law;  
Therefore to bear his departure  
Ex. 19.23.       Is too hard for the people.
- While yet the Chief, Baruch,  
Was prepared to battle for me,  
Ps. 3.7.        I feared not from tens of thousands of  
people.
- Isa. 57.15.     Meek, lowly of spirit and humble,  
The wisdom of his gentle tongue  
Ps. 18.44.       Would deliver me from the strivings of  
the people.

15 הָרַף כִּי מָאֵד הִשְׁחַתָּ בְּקַחְתָּךְ חֶרֶב וְהַמָּתָה  
פְּנוֹת כָּל־הָעָם:

עָנָן מֵעֲלֵיהֶם נִפְרַד וְהָמָן עַל־יָהִם לֹא־יָרַד  
וַתִּקְצַר נֶפֶשׁ הָעָם:

נָחַל וּמִנְחִיל דָּת פְּלִילִים מִזְרַע הָאֲצִילִים  
20 הַמִּתְנַדְּבִים בְּעָם:

מָלְיוֹ כְּאֹזֶר נָגְהוּ וְדַרְכָּיו מָאֵד נִבְהוּ  
מִלְכַת בְּדַרְךְ הָעָם:

עֵמֶד לַחֲזֹק הַבְּדָק וַיֵּשֶׁב עַל־כִּסֵּא צָדֵק  
לְשֹׁפֵט אֶת־הָעָם:

25 חַיִּים הָיָה פְּרִי דָתוֹ וְעַל־כֵּן לָשֵׂאת פְּרִידָתוֹ  
לֹא־יִוָּכַל הָעָם:

בְּעוֹד הָיָה הֶרֶב בְּרוּךְ לְהִלָּחֵם בְּעַדֵי עָרוֹךְ  
לֹא־אִירָא מִרְבָּבוֹת עָם:

עָנָן שֶׁפ־לִירוּחַ וְדָכָא חֲכָמַת לְשׁוֹנוֹ הֶרְכָּה  
30 תַּפְּלִטְנִי מְרִיבֵי עָם:

In the day of battle he would strive for me,  
 And on the day of prayer he would bring nigh  
 Levit. 9,15.      The offering of the people.

The balm and the charm have perished,  
 And many are the poisonous serpents  
 Jer. 8,17.      Which bite the people.  
 Num. 21,6.

His land was like a garden of God,  
 And now that his lofty branches have fallen,  
 Isa. 40,7.      Surely but grass is the people.

A fount of wisdom ever growing stronger;  
 And trusty—for once he had spoken  
 Job 33,14.      He was believed of the people.  
 Ex. 4,31.

How sweet were the beauteous words  
 When Baruch read in the Book  
 Jer. 36,13.      In the ears of the people!

Guiding with faithfulness, and shepherding,  
 Seeking those cast out and astray,  
 Ps. 80,2.      So as not to send away the people;  
 Ex. 8,25.

A fountain of justice, and its lord,  
 Interpreter of truth, and its tongue,  
 Neh. 8, 7.      Making it clear to the people;

A good interpreter, telling of uprightness,  
 He, by his righteousness, made atonement  
 Levit. 16,24.      For himself and for his people.

In peace he shall place in his stead  
 And appoint after him his two sons,  
 Deut. 20,9.      Captains of hosts at the head of the people:

יום קרב הוא בעדי יריב וביום תפלה הוא יקריב  
את קרבן העם:

אבר הצרי והלחש ורבו צפעני נחש  
וינשכו את העם:

היתה ארצו כגן אלהים ובנפל סעפיו הנבהים 35  
אכן חציר העם:

מעין חקמה מתנבר ונאמן כי באחת ידבר  
ויאמן העם:

מהנעמו אמרי שפר בקרא ברוך בספר  
באני העם: 40

נהג באמונה ורעה מבקש נדח ותעה  
לבלתי שלח את העם:

מעין הדין ואדונו ומליץ ישר ולשונו  
מבינים את העם:

מליץ טוב ישרו יספר ובצדקתו יכפר 45  
בערו ובעד העם:

בשלוש יקדם את פניו ויפקד אחריו שני בניו  
שרי צבאות בראש העם:



A precious son whom God shall instruct,  
And a child of delight, his second one—

Gen. 48,19.

He also shall become a people.

Ezek. 37,16.

And all the house of Israel shall be their  
companions;

In their days shall the mountains bear

Ps. 72,3.

Peace for the people.